# Alex Jan-Feb Card File

## Notes

### Ideas

* Aff can be either federal or states
  + Pick states to get out of politics?
  + Need states politics against these affs
* K affs
  + Critique of militarism – change the mindset of always being prepared to fight
* Counterplans
  + Concealed carry
* Surprisingly very little lit on the topic – handguns prohibition is unlikely and very few studies are done on it

### Skype – 3/18

* New aff idea—District v Heller
  + 3D Printing advantage
    - Johnson article
    - trades off w our ability to regulate 3d printer
    - manufacturing
    - fareed zakaria card – answer no war – collapses economic interdependence
    - Spillover
  + Privacy advantage

### Skype – 12/12

* Elections DA
  + Western swing states
  + Republicans win
* Circumvention – so many guns
  + Spillover from other states
  + 3D printers
  + Buyback program fails
* T-buyback = extra-T
* Illegal market – pushes guns onto black market
* enforcement of the aff trades off with police resources to address other problems

### To Do

* Finish Canada/Cartels DA – production shifts guns to other countries
* Finish cartels advantage
* Clean up util aff
* Cut a biopower kritik

## By Article

### Marvell 2001

#### No impact on homicide/crime

Marvell 1 [Thomas B. Marvell, "The Impact of Banning Juvenile Gun Possession," Uchicago, 2001] AZ

A 1994 federal law bans possession of handguns by persons under 18 years of age. Also in 1994, 11 states passed their own juvenile gun possession bans. Eighteen states had previously passed bans, 15 of them between 1975 and 1993. These laws were intended to reduce homicides, but arguments can be made that they have no effect on or that they even increase the homicide rate. This paper estimates the laws’ impacts on various crime measures, primarily juvenile gun homicide victimizations and suicide, using a ﬁxed-effects research design with state-level data for at least 19 years. The analysis compares impacts on gun versus nongun homicides and gun versus nongun suicides. Even with many different crime measures and regression speciﬁcations, there is scant evidence that the laws have the intended effect of reducing gun homicides.

### Kairys 2013

#### Right to self-defense doesn't outweigh right to safety of the public

Professor Nicholas Johnson emphasizes that law-abiding blacks are most at risk and most need guns to defend themselves because of black-on-black violence and the government’s failure to provide safety. He opposes gun regulation, which he considers “disarmament,” and favors armed self-defense. The import of the common arguments of opponents of gun regulation is that their absolutist understanding of their rights to self-defense and freedom, their dire perceptions of the perils of government, and their fantasies of the necessity and efficacy of armed resistance to the federal government require the rest of us to live with the open gun market, with its very real and immediate toll of over 30,000 people shot dead a year, and with the usually unspoken normalcy of widespread murder and fear that undermines the quality and tenor of daily life. But there are regulations that would significantly reduce the easy availability of guns to criminals, youth, and mass murderers without interfering with self-defense. Blacks and whites, and everybody else, do not need that open gun market for self-defense. Self-defense and gun regulation can coexist.

#### 2nd amendment = no one cares

After one of these self-defense-less cases, I formulated an argument that the defense of self-defense is required not only by state law but also by the United States Constitution.6 My emphasis was on due process, equal protection, and “the first[] and . . . primary[] civil right,” personal security.7 The Second Amendment did not seem helpful or relevant and was probably not mentioned. It had been limited, based on its specific language, to use of firearms related to state militias, and it had not been held to be a fundamental right that applies against the states.8 Who could have known back then that the Second Amendment would be interpreted by the Supreme Court, based on an originalist theory that originally sprang up in the 1960s with considerable National Rifle Association (“NRA”) funding and support,9 to constitutionally protect a broadly formulated individual right of self-defense?

### Vizzard 2015

#### Gun control is a state matter

Far more activity has occurred at the state and local level. In 1976, Washington, D.C. enacted the strictest handgun law in the country, essentially banning the private ownership of handguns and imposing restrictions on the possession and storage of long guns.28 Although some anticipated that this would be the initial act in a series of strict state laws applying to handguns, this did not prove to be the case. A 1976 Massachusetts initiative, Question 5, which would have outlawed private ownership of handguns, was defeated.29 The subsequent defeat of Proposition 15, a measure to freeze the existing California handgun population, in 1982, clearly signaled that the D.C. law did not foretell a new wave of gun restrictions.30 Although a few states added some minor restrictions during the next thirty years, the primary trend in state law was one of liberalizing restrictions on the concealed carrying of firearms. Until the latter part of the twentieth century, most states either prohibited carrying a concealed firearm on the person away from one’s home or business or required a permit to do so.31 Typically, the permits were issued by local sheriffs or police chiefs, who had the discretion to deny or issue a permit based upon their judgment.32 A few exceptions existed. Vermont, for example, had no laws relating to concealed or open carry.33 On the opposite pole, Wisconsin had no provision for issuing a permit.34 In 1961, the state of Washington revised its statute to guarantee all applicants, except those prohibited by law from possessing a firearm such as violent felons, the right to a permit.35 The change in the law apparently attracted little national attention. However, when Florida passed a similar liberalization in 1987, the new policy attracted nationwide attention and initiated a national trend.36 The move to so-called “shall issue” states accelerated rapidly during the 1990s.37 By November 2013, only nine states retained discretion for the issuance of permits, and several states had either eliminated the requirement for a permit or were in the process of doing so.38 Although efforts by gun rights advocates to pass a state reciprocity requirement relating to concealed carry permits have failed to gain congressional approval, thirty-five states currently recognize out-ofstate permits and several issue permits to nonresidents.39 Overlapping the movement to mandatory issuance of concealed carry permits is the “constitutional carry” movement, which seeks to eliminate any requirement of a permit.4

#### State ptx link?

the other end of the spectrum, a few states have enacted more restrictive legislation.45 However, these initiatives were limited to additional restrictions on paramilitary firearms, limits on magazine capacity, and records checks for private buyers, all policies that already existed in some states. In Colorado, new laws mandating record checks for all gun buyers and limiting firearm magazines to fifteen rounds resulted in the recall of two members of the state legislature.46 Although predicting changes in the political winds is a risky activity, it appears unlikely that the majority of states will institute laws significantly changing the direction of firearms policy

#### Courts action

While Congress has taken no significant action since the passage of the Brady Law, the Supreme Court has taken monumental action. Although impact on day-to-day policy has thus far primarily affected only Washington, D.C. and Illinois, the potential extent of these two court decisions is far-reaching. In District of Columbia v. Heller, the Court invalidated the District of Columbia’s virtual ban on handgun possession and held that the Second Amendment conferred an individual right to possess firearms.47 In McDonald v. Chicago, the Court extended the potential restraint on legislation to the states by finding that it was a fundamental right and thereby incorporated the Second Amendment under the due process clause of the Fourteenth Amendment.48 The McDonald case may prove the more important decision for gun policy in the long run. Given the history of gun regulation, a highly restrictive federal statute always seemed an unlikely event. However, both Chicago and the District of Columbia had already demonstrated the capacity of local governments to move toward virtual prohibition of handguns, and the possibility of some states following suit does not seem beyond the realm of possibility. In addition to blocking any future move toward handgun prohibition, these two decisions have virtually assured a continuing series of future legal actions to challenge existing controls at all levels, which have already begun.49 Heller and McDonald did not occur by accident. They were the result of a long, committed, and well-funded effort in pursuit of these goals by those who view gun rights as fundamental.50 Although the outcome of future litigation remains uncertain, the institutional forces that precipitated these decisions will not evaporate any more than did advocates of racial equality after Brown v. Board of Education. Just as racial integration preceded a push for school busing and affirmative action, actions to further reduce existing gun controls will follow Heller and McDonald.

### Donohue 2015

Donohue 15 [John Donohue (professor of law at Stanford), "Ban guns, end shootings? How evidence stacks up around the world," CNN News, 8/27/2015, http://www.cnn.com/2015/08/27/opinions/us-guns-evidence/] AZ

#### A2 self defense

The dissenters, however, were alarmed by the thought that a gun stored in a safe would not be immediately available for use, but they seemed unaware of how unusual it is that a gun is helpful when someone is under attack. For starters, only the tiniest fraction of victims of violent crime are able to use a gun in their defense. Over the period from 2007-2011, when roughly six million nonfatal violent crimes occurred each year, data from the National Crime Victimization Survey show that the victim did not defend with a gun in [99.2% of these incidents](http://www.bjs.gov/content/pub/pdf/fv9311.pdf) -- this in a country with 300 million guns in civilian hands. In fact, a study of 198 cases of unwanted entry into occupied single-family dwellings in Atlanta (not limited to night when the residents were sleeping) found that the invader was twice as likely to obtain the victim's gun than to have the victim use a firearm in self-defense. The author of the study, Arthur Kellerman, [concluded in words](http://jama.jamanetwork.com/article.aspx?articleid=388816) that Justice Thomas and Scalia might well heed: On average, the gun that represents the greatest threat is the one that is kept loaded and readily available in a bedside drawer. A loaded, unsecured gun in the home is like an insurance policy that fails to deliver at least 95% of the time you need it, but has the constant potential -- particularly in the case of handguns that are more easily manipulated by children and more attractive for use in crime -- to harm someone in the home or (via theft) the public at large.

#### A2 deters crime

For years, the NRA mantra has been that allowing citizens to carry concealed handguns would reduce crime as they fought off or scared off the criminals. Some early studies even purported to show that so-called right to carry laws (RTC) did just that, but[a 2004 report](http://www.nap.edu/openbook.php?isbn=0309091241) from the National Research Council refuted that claim (saying it was not supported by "the scientific evidence"), while remaining uncertain about what the true impact of RTC laws was. Ten years of additional data have allowed new research to get a better fix on this question, which is important since the NRA is pushing for a Supreme Court decision that would allow RTC as a matter of constitutional law. The new research on this issue from my research team at Stanford University has given the most compelling evidence to date that RTC laws are associated with significant increases in violent crime -- particularly for aggravated assault. Looking at Uniform Crime Reports data from 1979-2012, we find that, on average, the 33 states that adopted RTC laws over this period experienced violent crime rates that are 4%-19% higher after 10 years than if they had not adopted these laws. This hardly makes a strong case for RTC as a constitutional right. At the very least more research is needed to estimate more precisely exactly how much violent crime such a decision would unleash in the states that have so far resisted the NRA-backed RTC laws.

#### Spillsover

Donohue 15 [John Donohue (professor of law at Stanford), "Ban guns, end shootings? How evidence stacks up around the world," CNN News, 8/27/2015, http://www.cnn.com/2015/08/27/opinions/us-guns-evidence/] AZ

In fact, in the same manifesto ("December and January -- Rifle/gun accessories purchased", Breivik wrote that it was from a U.S. supplier that he purchased -- and had mailed -- 10 30-round ammunition magazines for the rifle he used in his attack. In other words, even if a particular state chooses to make it harder for some would-be killers to get their weapons, these efforts can be undercut by the jurisdictions that hold out from these efforts. In the U.S., of course, gun control measures at the state and local level are often thwarted by the lax attitude to gun acquisition in other states.

### Luff 2014

Luff 14 [Patrick Luff (Visiting Assistant Professor of Law, Sandra Day O’Connor College of Law, Arizona State University), Regulating Firearms Through Litigation," Connecticut Law Review, May 2014] AZ

#### Handguns cause negative externalities and social costs

An externality is a cost that is not reflected in the price of the good sold; neither the buyer nor the seller is the party who bears the cost, so the cost is external to the transaction.12 Many environmental regulations are justified on such grounds.13 Consider, for example, a factory where a byproduct of the production process is a harmful chemical. The cheapest means of disposing of the chemical may be to dump it in the local river, but doing so might cause a variety of harms. For example, fish might die in the polluted water, or the water may no longer be safe to drink. Both of these results impose costs on the public, but fail to impose costs on the factory or the purchasers of the factory’s products. In contrast, imagine that the EPA enforces a policy that prevents such dumping.14 Now, the factory has to dispose of the byproduct safely or face fines. The factory will either have to pay for the disposal cost out of its profits or pass the cost on to the consumer in the form of higher prices.15 Thus, these costs would become internal to the transaction. Firearms create a number of negative externalities.16 In 2010, the use of firearms led to the loss of over one million years of potential life.17 On top of this, firearm-related injuries lead to significant healthcare costs,18 and firearm violence generates substantial public safety costs.19 In total, firearms contribute to social costs of around $100 billion per year.20 While some of these costs are borne by gun owners, manufacturers, or distributors, the vast majority of these costs are borne by third parties.21 Firearm-related injuries result in considerable productivity losses for the national economy as well as non-pecuniary harms that victims, and their families and friends, must suffer. In addition, the medical costs of firearmrelated injuries are borne by private or, more commonly, public insurance schemes.22 In economic terms, these costs are negative externalities that affect neither the producer nor the consumer of the product.23

#### Courts are better than legislation – 6 reasons

This Part supports the claim that courts are institutionally better at regulatory policymaking in the realm of firearms when compared to the elected branches of government. Peter Schuck has suggested six factors to evaluate the regulatory effectiveness of the courts in firearm litigation compared to the elected branches’ responses to the social problems firearms create.119 Schuck argues that elected branches are more effective and legitimate than the courts; in contrast, I argue that both in theory and in the context of the firearm litigation, it is actually the courts that are superior on both counts. First, effective policymaking institutions must be capable of producing or procuring the necessary technocratic information. Indeed, according to Schuck, “[a] legal system’s ability to mobilize high-quality policy-relevant facts for the lawmakers at a relatively low cost is perhaps the mostimportant precondition for the effectiveness of its policies.”120 While the statutory and rulemaking procedure in the elected branches are theoretically designed to allow widespread democratic input, procedural rules limit the availability of certain types of information in the courts. A first step, therefore, in determining the informational basis of decision making has to take into account the procedural rules governing the decision-making process. In addition to the theoretical capacity for an institution to produce information, it is also important to consider whether the incentive structure of the participants is designed to bring forward the respective information. Agencies are often touted for their ability to generate information.121 The statutory and rulemaking procedures available to the elected branches allow widespread democratic input; theoretically, anyone can offer their opinion to legislators and administrative agencies,122 which should lead to agencies having more and better information. In contrast, procedural rules limit the availability of certain types of information in the courts, as well as who may contribute that information.123 These two institutions also have different incentive structures for participants to bring forward the respective information. Whereas in the process of elected branch policymaking all interested parties are presumed to be motivated to volunteer their knowledge to influence the regulatory outcome, the judicial process can disincentivize the dissemination of information.124 Yet the potentially large damages awards create an incentive for attorneys to produce and share technocratic information; even if a defendant party lacks the incentive to produce potentially damaging information, plaintiffs do have that incentive. More importantly, this is only true for regulatory problems that are technocratic. One way to limit firearms-related social costs is through command-and-control regulation that requires particular designs, distribution patterns, and the like. But the damages-based solution proposed in Part IV obviates the need for regulators to generate such information because the market would be incentivized to create this information itself. As a result, it is court-based regulation that will in fact produce the relevant information on such things as optimal safety designs. Second, effective policymaking requires “political information needed to frame an acceptable policy.”125 This includes data such as voter preferences and their intensity, levels of support and opposition for particular policies among both policymakers and those affected by them, and potential media reactions to policies.126 Surely, Schuck correctly identifies the importance of voter preferences and, to a point, the intensity of such preferences. But much of the political information Schuck sees as relevant—for example, potential reactions of lobbyists and the ability to sway vital political actors—is only important when the policymaking process is, for lack of a better term, political. Democratic support is an important tool to measure the legitimacy and effectiveness of regulation. Thus, the statutory process was originally seen as suitable to determine the politically most-supported outcome. However, the increasing number of veto gates as well as political horse-trading and private-interest capture undermine the causal connection between public support and legislative outcome.127 These political realities influence the regulatory decisions made by the elected branches. Policymaking in the courts is advantageous in part precisely because the forum allows policymaking to take place without political obstruction. Additionally, while Schuck is correct that interest groups can often present at least a crude picture of voter preferences and preference intensity, this is not empirically correct within the realm of firearm regulation. For example, studies repeatedly show that the NRA, which dominates the political landscape of firearm regulation, rarely represents the policy preferences of its members.128 In addition, as with the previous factors, the market-based regulatory solution this Article recommends creates a system in which preferences are revealed through market behavior. Third, Schuck argues that effective policymaking also requires regulators to have a variety of means through which they can “create and shape the incentives necessary to secure compliance.”129 The fact that courts “possess few instruments for securing compliance, and they tend to be weak, inflexible, or both,” he asserts, makes them comparatively poor policymakers.130 As Schuck himself admits, however, the “damage remedy . . . is often perfectly adequate for the purpose of inducing defendants’ straightforward compliance,” although this power can be limited when the target of the suit is a relatively small-scale manufacturer or distributor.131 Thus, compared to the elected branches, courts may be limited as a general matter. Nevertheless, courts are sufficiently able to react flexibly and effectively in the face of firearm-related risk-regulatory challenges. While court-based remedies may lack flexibility in the face of changed circumstances, this is only an issue when the regulatory problem and legal standards need flexibility. Changes in technology and scientific knowledge warrant flexibility with respect to standard-setting in environmental regulation, for example. In contrast, it does not appear that the types of regulations commonly discussed in firearm litigation, such as changes in distribution practices or design changes, warrant the same level of flexibility. Should modification of a particular remedy be warranted, moreover, parties have the ability to petition the court and explain why the remedy is unexpectedly onerous or why new information shows the remedy to be unavailing or perverse.132 Likewise, court remedies may not have the industry-wide effect that an agency-based approach can have. But to criticize courts on such a basis is to compare apples to oranges; to do so is akin to saying that an individual enforcement action by an administrative agency does not have systemic effect. Importantly, the series of lawsuits constitutes a system of regulatory governance just as a series of enforcement actions by an administrative agency would. Additionally, this ignores the potential of multiparty litigation and the extent to which litigation against the industry leaders can have industry-wide or at least substantial effects.133 Finally, to reiterate, the market-based effects of social-cost internalization would be systemic. Fourth, Schuck argues that “[p]erhaps no resource is more essential toa society’s policy wisdom than its capacity to learn and to adapt swiftly and creatively to changing conditions.”134 This observation is susceptible to the same observations as his third argument; that is, flexibility is only useful for policy problems warranting flexible solutions, such as those made upon in the face of scientific uncertainty. Such flexibility can be achieved through price changes made by manufacturers and distributors. Fifth, Schuck notes the importance of predictability.135 This criterion is assailable on two counts. First, it has the potential to prove too much. If “[t]ort rules are much less determinate and transparent than regulations, other things being equal,”136 and the question is always one of comparison with administrative agencies, then it is not clear that tort law is valuable at all, which surely must be false. More importantly, this line of argument makes predictability an end in itself, which is also problematic. The substantive result is much more important—a stable and predictable policy that clearly under-deters wrongful conduct seems inferior to an unstable one that optimally deters. Additionally, predictability is at odds with the flexibility that Schuck also extols.137 Policies that take account of changed circumstances, variable social attitudes, or additional information are unpredictable. The substantive result we should expect from a system that accounts for changed circumstances is modified legal obligations. Nevertheless, a system that is too unpredictable is surely undesirable, and perhaps incremental change is the preferred outcome. I have discussed Schuck’s final criterion—the institution’s ability to “secure and sustain the policy’s legitimacy”—in a previous work.138 It is precisely the systemically skewed policymaking system of the elected branches (especially the legislature) that makes the courts superior policymakers with respect to legitimacy. On the basis of these observations, it seems that the courts are generally the best institution for regulating firearm-related social costs. As a result, courts, rather than legislatures and agencies, are the preferred institution for dealing with the regulatory problems this Article discusses. This conclusion is further bolstered by the market-driven system of regulation I suggest in the following Part.

#### Repeal PLCAA – allow litigation to regulate firearms

This Article has advocated a means of regulating firearms that strays from the traditional path. Normally, firearm regulation is envisioned as command-and-control devices that dictate particular designs or limit access to firearms for some portion of the population. Similarly, firearm litigation is not often discussed in terms of its regulatory effects, much less its ability to force firearms manufacturers, suppliers, and purchasers to internalize the negative externalities of firearms. This Article will hopefully induce readers to think about firearm regulation—and firearm litigation—in a different way. While admittedly no single regulatory tool is without its attendant costs, social cost internalization through litigation is the optimal tool for dealing with the main regulatory problems that firearms present. At present, however, such a solution is preempted by the Protection of Lawful Commerce in Arms Act.165 Since litigation would be an effective method of regulating firearms in a manner consistent with their social costs, the prohibition of this litigation represents a lost opportunity, suggesting the Act ought to be repealed.

#### Liability counterplan

Another means of dealing with the social costs of firearms is individual or enterprise liability. In an enterprise liability scheme, those claiming harm from firearms—including consumers—would obtain damages for their injuries, which would be apportioned among firearm manufacturers based on their pro-rata share of the market.155 Since manufacturers would presumably transfer some or most of the costs of liability to consumers by increasing prices, enterprise liability would have the effect of an ex post exercise tax scheme (or, from the perspective of firearms purchasers, an ex-ante insurance scheme).156 In fact, by claiming restitution based on the public nuisance costs of firearm violence, the municipalities sought a legal remedy that had the effect of forcing the industry to internalize the costs of their commercial activities. Firearm use creates costs—healthcare needs and public-safety costs—that are not borne by the firearm’s producer or consumer.157 A damage payment would force the producer to bear that cost, rather than a third party (i.e., the state or individual taxpayers). The main advantage of a liability scheme is that it is unaffected by many of the information problems that attend ex ante taxation. Such a system does not depend on ex ante information about the social costs of firearms; rather, it charges these costs to the firearm industry as they occur. Likewise, it is much more flexible than an ex ante system. When parties are directly or indirectly injured by firearms, they sue the firearm companies, thereby internalizing the social costs of firearms. The companies themselves can then decide how to apportion those costs between themselves and consumers by altering prices as necessary, creating a system that would work more fluidly than one in which a legislature would have to predict the costs of harms ex ante.

### Karimu 2015

Karimu 15 [Olusola O. Karimu, "GUN VIOLENCE IN UNITED STATES OF AMERICA SYSTEMATIC REVIEWS AND META-ANALYSES," Journal of Challenges, 2015] AZ

#### Gun violence kills people, reinforces racism, hurts the economy, and imposes psychological costs

Gun violence is a major social problem in many urban—and, increasingly, suburban and rural—areas of United States of America (Wilkinson and Fagan, 2002; Wilkinson et al., 2009). It has been noted that as a result of the many problems that gun violence poses to society at large, most parents are frightened to send their children to school in most urban areas. The situation has become so severe that children are actually practicing drills so they are prepared in case a gunman enters their school. The massacre of 32 people at the Virginia Tech campus in 2007 which led to the death of 32 students, the numerous incidents of shootings in schools all over the country recently and the daily street shootings further explained the dangers of gun violence to our society. Therefore, finding ways to continue to reduce the prevalence of this scourge is a central challenge for criminologists and law enforcement personnel (Kraska, 2004). The growing epidemic of gun violence has eroded the quality of life in the communities and, in many areas of this nation, has transformed once-peaceful neighborhoods into combat zones, where people are afraid to leave their homes. This is a motivating factor that led the International Association of Chiefs Police (IACP) to launch its Gun Violence Reduction Initiative, with the aim of better focusing United States Attorneys' violence prevention efforts and help States and jurisdictions respond more effectively to this national crisis through effective violence prevention programs across the country (International Association of Chiefs of Police, 2001). This initiative includes partnerships with the Department of Justice and the Chicago-based Joyce Foundation. Gun violence imposes significant costs on children, families, and American society as a whole. But these costs can be difficult to quantify, as much of the burden of gun violence results from intangible concerns about injury and death (Cook and Ludwig, 2002). Some of the common effects associated with exposure to gun violence, include sleep disturbance, anger, withdrawal, posttraumatic stress, poor school performance, lower career aspirations, increased delinquency, risky sexual behaviors, substance abuse, and desensitization to violence (Reich et al., 2002). It is important to note that all of these effects can make children and youth more prone to violence themselves, feeding a continuing cycle of violence within some families, peer groups, and communities. Psychological costs of gun violence are also clearly documented (Reich et al., 2002). Similarly, Garbarino (1999) found that individuals who experience violence are prone to mental and health problems, such as post-traumatic stress disorder and sleep deprivation. These problems increase for those who experience gun violence as children (Cook and Ludwig, 2002). Just as the economic costs of gun violence are substantial, so are the psychological costs. Those exposed to gun violence, whether they are victims, perpetrators, or witnesses, can experience negative psychological effects over the short and long terms and it can significantly impact on their quality of life (Reich et al., 2002). Research by Wolfe et al. (1986) indicated that people who have been directly involved with or victims of gun violence reported health and emotional difficulties along with family and social problems. Many scholars have studied gun violence (Krug et al., 1998; Kahn et al., 2001; Ruddell and Decker, 2005; Phillips and Maume, 2007; Kirsten, 2008; Piquero, 2009). Kahn et al. (2001) study found that deaths from guns and other firearms remain a major problem in contemporary American society despite advances in health care to save the lives of the victims and community development efforts at addressing the problem. Additionally, Kahn et al. (2001) noted that United States of America has the highest youth homicide rate among the 36 wealthiest nations in the world, as well as one of the highest overall homicide rates worldwide. Krug et al. (1998) study on gun violence pointed out that in the United States of America, homicide which is a leading cause of death among all adolescents occurs mostly through the use of guns. Consistent with these findings, additional research on gun violence is needed as part of the efforts at continuing to addressing the problem (Hochester and Copes (2008). Justifying the seriousness of the concerns that gun violence poses to urban communities in United States of America, Tardiff et al. (1995), using files of the chief medical examiner, reviewed all 4,468 homicides occurring in New York City in 1990 and 1991 and found that the most frequent settings for violence were streets and other outdoor places (49.6%) and victims’ homes (19.3%). Firearms were the cause of death for 49.6% of homicides in homes and 80.3% of those on the street. Victims killed on the street were likely to be male, ages 15-24, and African American. The authors concluded that further research on prevention and intervention strategies is needed.

#### Availability of guns increases deaths in schools

The availability of guns and other firearms is closely connected to the large numbers of shootings that result in injury and death in United States of America schools. Gun-related violence has been attributed as the major cause of violent death in United States of America schools since 1992 (Sheley and Wright, 1998). The result of Sheley and Wright’s work clearly showed the relative ease of access to guns for those without a firearms license, who have no business owning guns. This ease of access further endangers society, and Sheley and Wright (1998) emphasized the seriousness and dimension of this problem, especially among juveniles and youths. This finding has been validated by Lizotte et al. (1996), with the conclusion that due to the accessibility of black markets for gun trading, juveniles and youths now have easy access to guns and other firearms. Similarly, Lizotte et al. (1996) Rochester Youth Development Study reports on gun possession among adolescents using a prospective longitudinal design. The study found that gun-carrying patterns are not constant over the years; young men are likely to carry guns on an irregular basis. Having delinquent values, the ownership of protection guns by peers, gang membership, and drug selling are all correlates of illegal gun carrying. Family income and race/ethnicity were not significantly related to gun carrying behaviors (Lizotte et al., 1996). The problem with the above line of argument is that it overemphasizes the fact that access to guns directly correlates to the prevalence of gun violence in society. This is far from the case, as many people have access to guns and have not used a gun to commit violent acts. According to Vernick et al. (2007), potential harms associated with gun ownership and gun violence within society extend beyond those who purchase or possess firearms. Aggregate levels of gun ownership and carrying could potentially have dramatic effects on the social ecology and safety of a neighborhood, affecting both gun owners and non-gun owners (Vernick et al., 2007). On average, it has been stated that high-income nations with a relatively high prevalence of gun ownership, such as the United States of America, have more homicides than do other high-income countries with fewer guns after controlling for differences in age structure, racial/ethnic heterogeneity, and levels of government social support (Hoskin, 2001).

#### Cvent – spillover

Vernick et al. (2007) noted that another harm associated with the easy availability of firearms in some United States of America states is illegal gun trafficking. Guns used for crime in cities and states with more restrictive laws, such as New York City, are more likely to have first been sold by out-of-state retailers in places with less stringent laws. In particular, cities located in states with restrictive licensing; often coupled with firearm registration laws, have a much smaller share of crimes originating from in-state dealers than other cities (Vernick et al., 2007). Similarly, it has been noted that in most cases, guns owned by law-abiding citizens also contribute to illegal gun trafficking and gun crime within communities. An estimated 500,000 firearms are stolen from American homes every year, and thus directly enter the criminal market (Cook and Ludwig, 1996). Also, evidence suggests that higher rates of gun ownership within communities actually increase the risk for home burglaries, perhaps because firearms are an attractive item for burglars to steal (Cook and Ludwig, 2003)

#### Gun violence disproportionately affects disadvantaged communities

According to Vernick et al. (2007), just as the individual-level harms associated with guns are not evenly distributed, some communities bear a disproportionate burden of gun-related violence in comparison to others. On average, more urban, poorer neighborhoods – often with a higher proportion of African Americans – have higher rates of gun violence and all of the associated social harms (Reiss and Roth, 1993; Cook and Ludwig, 2003). Firearm-related suicides and unintentional shootings also have a large impact on communities, as well as individuals. These deaths and injuries generate police, medical, and lost productivity costs for communities at large. They are, of course, also associated with emotional and other less-easily quantifiable costs for survivors. Overall rates of suicide in the U.S. and Canada are similar, although a direct comparison of race-specific rates is not possible with readily available data. According to Cook and Ludwig (2000), estimate based on United States of America (U.S.A) data suggest that the elimination of unintentional shootings and gun suicides in 1997 would be worth as much as $20 billion.

#### Turns autonomy NCs

Lowering a society’s risk of gun violence enhances the freedom of individuals to choose where to live, work, go to school, recreate, and interact with others without the fear of violence limiting those choices (Vernick et al., 2007). Furthermore, according to Carlson (2006), violence among youth has developed into a significant public health issue and remains at the forefront of discussions about prevention, intervention, and treatment efforts. The fiscal costs to society associated with illnesses, disabilities, and premature deaths from violence are estimated to be billions of dollars every year (Miller and Cohen, 1997). It is important to note that much of the current concern about gun violence arises from a growing understanding of the adverse physical, mental, and behavioral health effects that result from community exposure to high rates of gun violence.

### Kates 82

Kates 82 [Don B. Kates Jr (practices law with O'Brien and Hallisey in San Francisco), "Gun control versus gun prohibition," American Bar Association Journal, September 1982] AZ

#### **Gun control resolves all of the case**

If this were true (and if it were reasonable to believe that people who think these measures necessary would give up their guns at the behest of a state, which they feel does not protect them), handgun prohibition would seem an appealingly simple method of reducing homicide. But every study of the subject reveals homicide offenders are not ordinary citizens; rather they are highly atypical ?pathologically disturbed, often drug or alcohol-dependent aberrants with long histories of prior violence. If these "hardened criminals" want a gun, there is no more reason to believe that they will scruple to violate a ban than the professional criminal, whom handgun prohibitionists admit can never be dis armed.

#### Illegal market cvent

Kates 82 [Don B. Kates Jr (practices law with O'Brien and Hallisey in San Francisco), "Gun control versus gun prohibition," American Bar Association Journal, September 1982] AZ

Nor is there any reason to think that even a national prohibition could pre vent the development of a black market sufficient to serve both criminals and ordinary citizens. If, for instance, handguns were smuggled into this\* country at the rate at which federal offi cials estimate marijuana is, more than 20 million guns of the size used to kill John Lennon could be imported ille gally in any year. (There are only 60 million legally owned handguns at present.) Moreover, any competent machinist can build a revolver or auto matic pistol from pot metal for a frac tion of what even the cheapest com mercially produced handgun costs. Can it be doubted that there would be thousands of "entrepreneurs" willing to build $15 junk .45s and .38s for a 500 per cent profit at black market sale? Of course, this type of gun would not fire more than a few hundred rounds and would be accurate only at close range. But that is adequate for a buyer who wants a gun only for murder, robbery, or self-defense.

#### T – control vs ban

Kates 82 [Don B. Kates Jr (practices law with O'Brien and Hallisey in San Francisco), "Gun control versus gun prohibition," American Bar Association Journal, September 1982] AZ

Indicative of the state of social science learning on this question is the reaction elicited when I presented these points at length to the 1981 annual meeting of the American Society of Criminology. The panelist had been chosen precisely because of his advocacy of gun control. He responded by distinguishing "control" from "prohibition," which he characterized as an "extremist proposal" that simply did not deserve as protracted a discussion as I had given. Not only is prohibition legally very different from control, but, as a matter of political reality, prohibitionist advocacy is the primary impediment to effective control. Consider the ingenuous rhetorical comparison: if drivers accept licensing, why are gun owners so fanatically opposed? The attitude of drivers would be different if a disproportionately influential minority of the population constantly denounced private ownership of automobiles and advocated restrictive licensing as the means of preventing ordinary citizens from driving. The eloquent prohibitionists, unfortunately, have so dominated the debate as to make their program synonymous with "gun control" in the public mind. As a result "gun control" laws are bitterly resisted and when enacted, are nullified by massive disobedience because gun owners reflexively assume that they are part and parcel of a confiscation program.

### McGinty 2013

#### Prefer our evidence – theirs is funded by big industry

Bloomberg 13 [Michael R. Bloomberg (Mayor of New York City), "Opening remarks given at the Summit on Reducing Gun Violence in America at the Johns Hopkins Bloomberg School of Public Health," January 14, 2013] AZ

The bipartisan coalition of Mayors Against Illegal Guns released a report, “Access Denied” detailing how Congress, bowing to the gun lobby, has systematically denied the American people access to information about guns and gun violence. Most egregiously and outrageously, Congress has severely restricted the scientists at the Centers for Disease Control and Prevention from studying the epidemic of gun violence, and they’ve put similar restrictions on the scientists at the National Institutes of Health. Congress has no business dictating what public health issues scientists can and should study. At Johns Hopkins the motto is, The truth shall make you free. When elected officials try to muzzle scientific research and bury the truth, they make our free society less free and less safe. Today, because of congressional restrictions, CDC funding for firearms injury research totals $100,000, out of an annual bud get of nearly $6 billion. The National Institutes of Health is estimated to spend less than $1 million on firearms injury research, out of an annual bud get of $31 billion. To put that in perspective, the NIH spends $21 million annually researching headaches. But it spends less than $1 million on all the gun deaths that happen every year. If that doesn’t give you a headache, it should.

#### Firearm availability causes suicide

Firearm suicide rates and overall suicide rates in the United States are higher where guns are more prevalent (Miller, Hemenway, and Azrael 2007, Kubrin and Wadsworth 2009). By contrast, rates of suicide by methods other than firearms are not significantly correlated with rates of house hold firearm own ership (Miller, Hemenway, and Azrael 2007). This pattern has been reported in ecologic studies that have adjusted for several potential confounders, including mea sures of psychological distress, alcohol and illicit drug use and abuse, poverty, education, and unemployment (Miller, Azrael, and Barber 2012, Miller, Hemenway, and Azrael 2007). House hold firearm own ership has also been consistently found to be a strong predictor of suicide risk in studies that examined individual- level data. U.S. case- control studies find that the presence of a gun in the home or purchase from a licensed dealer is a risk factor for suicide (Bailey et al. 1997, Brent et al. 1993, Brent et al. 1994, Brent et al. 1991, Brent et al.1988, Conwell et al. 2002, Cummings et al. 1997, Kellermann et al. 1992, Grassel et al. 2003, Kung, Pearson, and Lui 2003, Wiebe 2003). The relative risk is large (two- to tenfold), depending on the age group and, for younger persons, how firearms in the home are stored (Miller and Hemenway 1999, Brent et al. 1991, Kellermann et al. 1992). The only large U.S. cohort study to examine the firearm– suicide connection found that suicide rates among California residents who purchased handguns from licensed dealers were more than twice as likely to die by suicide as were age/sex matched members of the general population, not only immediately after the purchase but throughout the six- year study period (Wintemute et al. 1999). Here, too, the increase in suicide risk was attributable entirely to an excess risk of suicide with a firearm (Wintemute et al. 1999). Drawing causal inferences about the relation between firearm availability and the risk of suicide from existing case- control and ecologic studies has been questioned on the grounds that these studies may not adequately control for the possibility that members of households with firearms are inherently more suicidal than members of households without firearms (NRC 2005). Additional cited limitations include the possibility of differential recall (by cases compared with controls) of firearm own ership and comorbid conditions, and reverse causation (whereby suicidal persons purchase firearms with the idea of committing suicide). It is very unlikely, however, that the strong association between firearms and suicide reported consistently in U.S. studies is either spurious or substantially overstated. First, individual- level studies have often controlled for mea sures of psychopathology (Bailey et al. 1997, Brent et al. 1994, Brent et al. 1993, Brent et al. 1988, Conwell et al. 2002, Cummings et al. 1997, Kellermann et al. 1992, Wiebe 2003). Second, directly answering the reverse causation critique, the risk of suicide associated with a house hold firearm pertains not only to gun own ers but to all house hold members (Cummings et al. 1997, Kellermann et al. 1992, Wintemute et al. 1999); the relative risk is larger for adolescents than for the gun own er; and for the gun own er the risk persists for years after firearms are purchased (Cummings et al. 1997, Kellermann et al. 1992, Wintemute et al. 1999). Third, studies that have examined whether people who live in homes with guns have higher rates of psychiatric illness, substance abuse, or other known suicide risk factors generally fail to find any indication of heightened risk (Oslin et al. 2004, Kolla, O’ Connor, and Lineberry 2011). For example, four case- control studies found comparable rates of psychiatric illness and psychosocial distress among house holds with versus without firearms (Kellermann et al. 1992, Ilgen et al. 2008, Miller et al. 2009, Sorenson and Vittes 2008, Betz, Barber, and Miller 2011). Fourth, there appears to be a hierarchy of suicide risk among children and young adults, depending on how securely house hold firearms are stored, suggesting a dose- response relationship (Grossman et al. 2005).

### Agamben

#### Agamben's wrong – ontology doesn't underlie policy, sovereignty can't be reduced to a monolithic root cause, and the perm is best since it can limit the state

Robinson 11 [Andrew Robinson (political theorist and activist based in the UK, weekly contributor), "Giorgio Agamben: destroying sovereignty," Ceasefire Magazine, 1/21/2011] AZ

My main concern with Agamben’s theory arises from some degree of scepticism regarding the assumption that political issues have an ontological status. Agamben’s work has become strongly resonant and fashionable for a very clear reason: he is talking about issues which speak to the problems of the moment, which seem to communicate directly with issues such as Guantanamo Bay, ‘anti-terror’ laws, attacks on civil liberties, and the global ‘war on terror’. It is a good thing that theorists are giving serious attention to these issues, and the social logics of states are clearly tied-up in them. The difficulty is the question of whether these issues really operate on the deep ontological or structural level which Agamben assumes. Political events are taken to express ontological rather than contingent phenomena (or more generously to Agamben, perhaps the contingencies reveal ever-present potentialities). Sovereignty has always been what it is (i.e. Auschwitz), but it has unfolded cumulatively according to its own logic. But can sovereignty ‘unfold’ of its own accord, as if the entire political context derives from it? I feel there is a fundamental problem with Agamben’s work, and that of several other continental theorists, which stems from an unduly reductive, single- (or at most double-)agent account of social forces, in which sovereignty is treated as a determining instance from which the rest of modern social life follows (akin to the role of capitalism in Marxist theory, but with capitalism replaced by sovereignty). Agamben explains the current situation mainly through the unfolding of a single dynamic, that of sovereignty. This underestimates the extent to which the state’s unfolding is restricted and inflected by other powerful social forces. For instance, there are cases where state power is constrained from the outside by the power of social movements (such as various discussions of society against the state, from Clastres to works on Latin American social movements), or by forces such as transnational capital (as much of the scholarship on globalisation argues); cases where the state is ‘in society’ and fuses with it, becoming at least partly dependent on social movements, as discussed by comparativists such as Joel Migdal; and cases where a ‘historical bloc’ of local class forces contributes to the formation and direction of the state, as in neo-Gramscian analysis. This doesn’t necessarily mean that Agamben is wrong about sovereignty. The fact that states are constrained by or even hybridised with other social forces does not necessarily preclude them having their own logic or dynamic. To argue by analogy, capitalists always seek to make profits, even if sometimes they have to rely on local kinship networks to secure profits, or pay off local leaders to access resources. The profit motive is inherent to capitalist motivation, even when this motivation enters into hybrid combinations. Similarly, it is quite plausible that Agamben’s account of sovereignty describes something inherent in the functioning of states. But nevertheless, the question of whether, to what extent, and how the state is able to actualise sovereignty becomes dependent on its location among other social forces. If it is suddenly acting more thoroughly on this logic, then it is quite possible that it has not simply evolved cumulatively, but has either grown stronger relative to other forces, has ‘seceded’ from them and become unconcerned about its effects on them, or is benefiting from an enabling context which lets it unfold its own dynamic in an unconstruained way. In other times and places, states have either been forced to permit or unable to prevent the expansion of rights such as habeas corpus. It is particularly paradoxical that the state is acting in a more unconstrained way with regard to sovereignty at precisely the moment when it has lost important powers to global capital. Is global capital actually permitting, or even encouraging, the unfolding of sovereignty? Is sovereignty becoming more apparent because the cathartic outlet of interstate conflict has declined? Are states acting up because they fear their own loss of power to transnational networks, from social movements to armed opposition groups? Is the state becoming less afraid of powerful ‘included’ groups such as organised labour and the professions, which would otherwise make it hesitant to risk deploying sovereignty? Is the discourse of sovereignty reappearing in force because the state needs to redefine its own role to survive the decay of other narratives (such as the state-as-arbiter and the state-as-distributor)? Agamben’s approach to politics is thoroughgoing in its cleaning-out of statist ways of thinking, and hence has much to offer. It does tend, however, to be rather all-or-nothing. Agamben’s approach makes it very hard to make distinctions between better and worse kinds of states, between greater and lesser degrees of recognition of civil liberties. It makes it hard to think about creating resilience in social movements in the period before the state is destroyed. Perhaps more thought needs to be given to the exact conditions in which states can be forced not to declare exceptions, or in which states of exception can be contingently defeated (from the El Alto [‘gas war’](http://news.bbc.co.uk/1/hi/world/americas/4079256.stm) to the [Woomera protests](http://www.youtube.com/watch?v=xYgI9TTMR98)). The state seeks to impose a logic of sovereignty, but this logic is often contested by other social forces. While the elimination of sovereignty may well be the only way to destroy the conditions for future genocides, social movements which do not yet have the power to shatter the state can nevertheless undermine it, rendering its power increasingly limited, partial and conditional.

#### a2 whatever being

Another problem is with the view that resistance should come from the standpoint of bare life. I would suggest that it should, rather, come from the standpoint of whatever-subjectivity as something which is at once ‘bare’ and self-recognised, and which reconstitutes itself outside the statist frame. The idea of taking the standpoint of the most excluded or oppressed, the “social symptom” in Zizek’s terms, is not unique to Agamben, and has a certain emotional pull. It is, indeed, at this point that the oppressiveness of a particular system becomes most apparent. It is, however, not in the helpless abjection of homo sacer but in the rejection of the state’s view of one’s status as (potentially or actually) valueless and insistence, against such a view, on self-valorisation. This means that resistance can’t actually be expected from people reduced literally to the status of the so-called musselmannen at Auschwitz. Part of the difficulty is that the group which is most oppressed and despairing is also likely to be reduced to a condition of ‘learned helplessness’. On the other hand, inmates of camps, even Nazi death camps, did resist, to the point of staging a mass uprising at [Sobibor death camp](http://www.auschwitz.dk/sobibor/uprising.htm) and in the [Warsaw Ghetto](http://writing.upenn.edu/~afilreis/Holocaust/warsaw-uprising.html). Authors such as Erving Goffman, Thomas Mathiesen, Michel Foucault and James Scott have shown how people resist and recompose their subjectivities and social relations even in camp-like settings. Forms of everyday resistance, spectacular protest (such as hunger strikes), and occasional uprisings can be observed even in horrific places like [Guantanamo Bay](http://www.wsws.org/articles/2005/oct2005/guan-o20.shtml) and [Abu Ghraib](http://news.bbc.co.uk/1/hi/8251163.stm). This resistance comes, however, not from the most abject people, but from people who are resisting being reduced to this status. It comes, not from bare life, but from a refusal to be reduced to bare life. It is thus not a passage through despair, but a way of warding it off. The conditions for recomposing hope in desperate circumstances do not stem automatically from despair, but rather, emerge from active practices of resistance and the reconstruction of meaning. Agamben is thus right in starting from the standpoint of the excluded, but wrong in viewing abjection as a correlate of (rather than an effect of state power on) this standpoint. Rather, transformation becomes possible through the conversion of exclusion into autonomy, through the rejection and immanent overcoming of sovereignty.

### Kopel 1997

#### Vanilla pale approaches fail

Communitarians, including President Clinton, argue that the presence of so many guns in America makes it the most dangerous country in which to live. 8 Rhetorical flourish is employed to drive the point home: "[T] he danger that our cities be turned into Beiruts or Dubrovniks must be averted."59 The gun control proposals that have been enacted into law and those that are currently the subject of political discussion are but "vanilla-pale measures," according to Etzioni; to him, the only truly effective measure to end gun violence is domestic disarmament. 60 Many criminologists agree that the enactment of laws that Etzioni calls vanilla-pale measures will do little to stem the tide of gun-related violence in this country. The leading criminological studies, those done by James Wright, Kathleen Daly, Peter Rossi, and Gary Kleck, conclude that the measures currently proposed will, at best, only slightly mitigate the level of criminal misuse of firearms.61 One of the Wright-Rossi studies, a National Institute of Justice survey of felons in state prisons, concluded that criminals will always get guns and use them, no matter what gun control laws are passed.6" Indirectly supporting the viewpoint of Domestic Disarmament, Kleck observes that, in a country awash in guns, such as ours, no gun control policy-short of universal confiscation-"is likely to have a dramatic impact on violence in America. Because gun availability, even among high-risk individuals, seems to have at best a modest impact on violence rates, gun controls only nibble at the edges of the problem rather than striking at its core."6" Thus, Etzioni's repudiation of vanilla-pale gun control measures is well supported by scholarly research on the gun issue.

#### Noncompliance

2. Resistance.-As Ronald Goldfarb and other gun prohibitionists realize, a successful policy of domestic disarmament must be preceded by a federal attempt to register all firearms currently owned. 10 In fact, the German Nazi regime used registration records as a precursor to, or as a means of, confiscating guns within its own borders and within its territorial acquisitions, and many gun owners are aware of this historical precedent.111 Fear of confiscation is one reason for such little compliance with current registration laws where they have been enacted in America. New York's "Sullivan Law,"" 2 the first major licensing and registration scheme imposed in twentieth-century America, is ignored by millions of New Yorkers."' In Illinois it is estimated that about 75% of handgun owners are in noncompliance with the state's registration law." 4 There has also been substantial resistance to laws that require registration of so-called assault weapons. California was the first state to pass a ban on military-style semiautomatics." 5 The California law requires mandatory registration of all such weapons owned prior to the enactment of the ban.116 A group called Gun Owners React openly called for those who owned such arms to disobey the registration requirement. 1 7 Nearly 90% of the approximately 300,000 assault weapon owners in California refused to register their weapons. 1 1 8 A few months later, Denver passed a similar ordinance. 19 Only 1% of the estimated 10,000 assault weapons in that jurisdiction were ever registered.1 0 Other municipalities that have passed similar ordinances have seen about the same percentage of guns registered.121 NewJersey was the next state to enact an assault weapon ban.'2 2 Out of the 100,000 to 300,000 assault weapons in that state, 947 were registered, an additional 888 were rendered inoperable, and 4 were turned over to the authorities.1 2 3 If the Morton Grove, Illinois, handgun ban is any indication, gun owners appear to be even more disobedient to decrees requiring them to turn their firearms over to authorities.' 24 The Morton Grove police wisely adopted an "honor system," whereby guns would be confiscated through the owners' voluntary compliance with the ban, rather than by searching the residences of known handgun owners.125 Only a handful of handguns were turned in.12 6 Noncompliance with such laws in more libertarian areas of the nation, such as the West and

### Rostron 2008

Rostron 8 [Allen Rostron (Associate Professor of Law, University of Missouri–Kansas City School of Law. B.A., University of Virginia; J.D., Yale Law School), "Incrementalism, Comprehensive Rationality, and the Future of Gun Control," Maryland Law Review, 2008] AZ

#### Vanilla pale solutions fail

This conflict about what can be accomplished through a series of many small, incremental changes, versus a single comprehensive plan, has close parallels in the realm of policymaking. Decision and organization theorists have described two basic models of the process by which creation of public policy may proceed. Some urge that policy should be the product of comprehensive, rational analysis and design. Policymakers should identify objectives, imagine all possible means of pursuing those goals, consider the effectiveness of each alternative approach, and then adopt the set of policies that will produce the best results. Others contend that policymaking should be a more evolutionary process, with policy emerging gradually in small, incremental steps through a continual cycle of experimentation, reaction, and adjustment. This Article examines the issue of gun control through the lens of the “comprehensive rationality” and “incrementalism” models of policymaking. Fierce debate surrounds gun control in the United States, making it not only a major dividing issue in legislative arenas and political races but also a key element in a wider cultural divide.5 The nation has been locked for years in a bitter, dismal stalemate on this issue, with no one seeming to be happy with the status quo, but little significant change being made in any direction.6

This Article argues that incremental policymaking has been one of the major impediments to progress toward more effective regulation of guns. This country’s gun laws are an often incoherent patchwork of provisions. Legislators pile new restrictions atop old ones, often in response to particular tragedies or narrow concerns, instead of crafting bills to achieve an optimal approach to the entire problem. These laws contain unjustifiable gaps because policymakers draw odd lines between different types of guns, between licensed gun dealers and unlicensed individuals, between foreign and domestic sources of guns, and between state and federal government responsibilities. Gun control has been handled in a crudely instrumentalist manner, but it is an issue with a special need for a far more comprehensive approach. The limited effectiveness of the incrementalist approach to gun control issues can be seen in three of the most controversial episodes relating to gun policymaking in recent years: the uproar over police seizing citizens’ guns in the New Orleans area in the aftermath of Hurricane Katrina,7 litigation about whether several portions of the District of Columbia’s strict gun laws violate the U.S. Constitution’s Second Amendment,8 and the mass shooting at the Virginia Tech campus.9 Each vividly demonstrates the problems created by incrementalist approaches to gun control policy. Each involved legislators banning or heavily restricting guns in a special zone. In a nation awash with millions of guns subject to inadequate controls, the flow of weapons from other areas substantially undermines these efforts, whether the “gun-free zone” is a flood-ravaged region, the nation’s capital city, or a college campus. Meanwhile, reasonable precautions such as background-check requirements are undercut because legislators do not apply them broadly and consistently. The ease with which the Virginia Tech shooter obtained a gun, despite the fact that a judge had previously declared him mentally ill and ordered treatment, is a tragic testament to the insufficiency of the scattershot nature of existing law.10

#### Incrementalism good

Charles Lindblom, a political scientist at Yale, did the seminal work on incremental modes of policy decisionmaking.13 Before him, the classic vision of policymaking featured legislators or regulators methodically attempting to come up with the single best, complete approach to a problem. They would begin by identifying all relevant objectives, ranking their importance, and then identifying all conceivable actions that could be taken in pursuit of those objectives. Next, they would systematically compare every one of the policy alternatives, decide which best achieved the objectives, and implement the chosen policy.14 Lindblom questioned this classic model of “comprehensive rationality,” or “synoptic” policymaking, because he believed it relied upon unrealistic assumptions about our cognitive and analytical abilities in the face of very complex problems.15 Although perhaps a logical approach in theory, policymakers would never actually be able to apply the classic model when faced with such problems in the real world.16 An innumerable array of objectives and values are at stake in any complex social issue.17 Even if decisionmakers could identify all of them, they would likely disagree about their relative importance and find conflicts and contradictions among them.18 Moreover, policymakers inevitably have limited resources, and gathering and processing information about the likely effects of all possible policy alternatives would be an enormous and often impossible undertaking.19 The classic model thus “assumes intellectual capacities and sources of information” that people simply do not possess.20 Lindblom recognized that the comprehensive or synoptic style is therefore impossible in practice and argued that “every administrator faced with a sufficiently complex problem must find ways drastically to simplify.”21 Under Lindblom’s approach, policymakers simplify by “muddling through” as best they can, making policy in an incremental fashion.22 They focus on one relatively simple goal at a time, and they consider just a few policy alternatives, all of which are only marginally different from the status quo and from each other.23 They choose one, implement it, wait to see the consequences, and then consider whether to try making another small adjustment.24 Policy, therefore, “does not move in leaps and bounds,” “is not made once and for all,” and, instead changes “almost entirely through incremental adjustments,” being “made and re-made endlessly.”25 Lindblom discussed incremental policymaking both descriptively and normatively. He asserted that incrementalism is how policymaking actually occurs, and that it is generally the optimal approach.26 Incrementalism has the virtue of breaking down an enormous problem into manageable parts. It allows for gradual change with less risk because policymakers can correct any missteps through the continual cycle of experimentation, feedback, and adjustment. By virtue of its decentralized structure, incremental change also makes it possible to have more local, popular control over formulation of policy.27 Incrementalism “will be superior to any other decision-making method available for complex problems in many circumstances,” Lindblom argued, “certainly superior to a futile attempt at superhuman comprehensiveness.”28 Lindblom’s dichotomy29 between comprehensive and incremental approaches to policymaking has been enormously influential in political and other social science fields.30 Most observers shared Lindblom’s enthusiasm for incremental policymaking, describing how it achieved or could achieve positive results on issues ranging from health care to television violence.31

#### Incrementalism fails in this specific instance – [x] is indivisible

A few political scientists have challenged the incrementalist orthodoxy, however, by describing a small but significant set of policy matters that have been or should be pursued in a nonincremental manner. For instance, Paul Schulman found a quintessential example in our nation’s efforts to achieve President John Kennedy’s goal of sending astronauts to the moon within a decade.35 Schulman characterized that initiative as fundamentally indivisible because it demanded a massive commitment of resources, centralized organization, and comprehensive planning, coordination, and consolidation.36 In other words, thousands of individuals tinkering alone in their garages might produce some impressive technological breakthroughs, such as development of better personal computers,37 but individual efforts could not put a person on the moon. Moreover, themoon project was an all-or-nothing enterprise. As NASA chief James Webb put it, “[w]e could not stop with doing 80 or 90 or 99 per cent of what we needed to do and come out reasonably well,” because “for a lunar landing a partial success is likely to be a complete failure.”38 Jennifer Hochschild presented another example that closely mirrors the gun control issue in some ways.39 She concluded that incrementalism was an ineffective and counterproductive approach to desegregating public schools in the three decades following Brown v. Board of Education.40 Integrating schools through a series of small, gradual steps was an appealing idea because it seemed like a way to minimize disruptions, maintain flexibility, increase local control over the process, build popular support, and learn from experimentation and experience.41 In reality, however, Hochschild found that incrementalism did more harm than good because it fostered opposition and resistance to integration.42 Temporal incrementalism, or gradually and sporadically phasing in changes, created instability and uncertainty, failed to demonstrate a decisive commitment to integration, and thereby invited resistance.43 Likewise, Hochschild found that local forces could undercut desegregation too easily if it was not implemented on the largest possible geographic or spatial scale.44 For example, if one school district moved forward with integration efforts, such as busing, while surrounding districts did not, “white flight” from the integrating district would sabotage the effort.45 Hochschild concluded that a more comprehensive approach would have achieved much better results. A comprehensive desegregation effort covering an entire metropolitan area would have made white flight more difficult and “is such a massive undertaking that it is bound to seem permanent and may induce parents to dig in and try to make it work for their children.”46 While a “full-scale, rapid, extensive” overhaul of schools initially would have been very unpopular with the public, Hochschild argued that it ultimately would have minimized resistance and circumvention, achieved more integration, and improved race relations and student achievement.47 Hochschild further argued that incremental efforts to desegregate actually produced worse results than doing nothing at all.48 Incremental changes—“halfhearted, restricted, timid” in nature—did little to help either minority or majority race students and instead caused substantial harm in the form of racial resentment, increased residential segregation, and decreased minority self-esteem and achievement.49 While the conventional wisdom says that “[h]alf a loaf is better than none,” Hochschild concluded that this principle did not hold true for desegregation,50 and that “[h]alf a loaf, in this case, may be worse than none at all.”51 As these examples suggest, some social problems are less suited to incremental solutions. Theorists have therefore begun to identify general principles for determining whether a particular issue should be handled through a more incremental or comprehensive policymaking strategy.52 Ian Lustick observed that incrementalism is less useful when a problem is “non-decomposable,” meaning it cannot easily be broken up into parts to be handled separately.53 Lustick offered the example of two societies seeking to protect their water resources, with one having its water dispersed into many separate watersheds and the other having virtually all of its water concentrated in one body of water such as a large river.54 Environmental policymakers in the first society might prefer incrementalism because they can encourage each watershed to experiment with different methods of water regulation.55 Successful methods can be repeated elsewhere, and failures will have limited effects rather than causing adverse consequences throughout the society’s entire water system.56 The second society’s authorities, however, face a problem of “relatively non-decomposable complexity,” because the water resources are interconnected.57 This society needs a comprehensive, centralized regulatory regime, because “local errors in pollution abatement, for example, could lead to contamination of the vast majority of the society’s water resources.”58 In Lustick’s terms, the water issue in the second society is characterized by “causal chains elongated in space,” so that the policies instituted in any one area will have ramifications elsewhere.59 In those exceptional circumstances, incrementalism stumbles over what generally would be one of its major virtues. As Justice Brandeis famously put it, “[i]t is one of the happy incidents of the federal system that a single courageous State may, if its citizens choose, serve as a laboratory; and try novel social and economic experiments without risk to the rest of the country.”60 Generally, local experimentation is useful and poses less risk than national policy change because the local policy affects a limited area, and because the institutions and resources associated with the old policy approach remain in place in other jurisdictions, providing a form of “institutional insurance” available to some extent if things go wrong in the experimenting jurisdiction.61 However, in the special circumstances described by Hochschild and Lustick, policymakers cannot conduct such geographically limited policy experiments because the policy’s subject matter— whether people or water—flows across jurisdictional borders.

#### Contingent reforms?

Incrementalism, thus, may be superior to more comprehensive or synoptic policymaking efforts in many situations, but not in all. As Lindblom recognized, a generalized, abstract debate over which policymaking method is superior or inferior is “a spurious one, for questions about the merits of alternative methods arise in various specific contexts; hence it is in these contexts that one needs finally to evaluate them.”62 This Article now considers these policymaking approaches in the context of one specific issue: gun control.

#### cvent – spillover

The objective is commendable. The dilemma, of course, is that the relatively lax controls on guns in other areas undermine the effort. No one can ensure that a college campus, let alone a sprawling urban region like New Orleans or the District of Columbia, will remain truly “gun-free” when guns are so numerous and loosely controlled in surrounding areas.321

#### College campuses cvent

Little or no controversy surrounds the creation of gun-free zones in circumstances where security personnel are present and entrants are searched or screened for weapons, such as within courthouses or the “sterile” areas of airports.322 In those contexts, the promise of a gun-free zone can be fully achieved. By contrast, the borders of a city or a university campus are too vulnerable to achieve complete success in eliminating guns. That distinction is overlooked, for example, when members of Congress seeking to repeal the District of Columbia’s gun laws are accused of hypocrisy because they would leave in place the laws prohibiting guns within the United States Capitol building.323 A gun-free zone with a tightly secured perimeter is quite different from a gun-free zone with no border security of any sort.

#### Isolated bans in the US always fail

In assessing their merits, however, the proponents of creating these sorts of gun-free zones should be much more cognizant of the complexities and challenges presented by trying to implement gun regulation in such a spatially incremental manner. Prohibiting guns and thereby reducing but not totally eliminating their presence in an area may have benefits, but it may have costs as well. Guns can be used to do good things as well as bad; they can be used to save lives as well as to take them. Evaluating the overall effects of a policy like a city-wide or campus-wide ban on guns therefore is an enormously complicated enterprise, and gun control advocates must be cautious not to assume too hastily or dogmatically that implementing strict gun laws in limited areas is better than nothing. What would be optimal policy on a worldwide or nationwide scale may be poor policy for one college, city, or state to implement by itself. Again, people can reasonably disagree about the net effect and overall virtues of the District of Columbia laws, college gun bans, and various other similar measures now in place, but there can be no doubt that the geographically incremental nature of this sort of policymaking approach limits its effectiveness to some extent.

#### Incremental changes in gun policy only make violence worse, don't create a culture shift, increase backlash, and sap support for gun control [a2 cps]

Gun control advocates are not the only ones often guilty of paying too little attention to the special perils of making regulatory policy for guns in an incremental manner. The NRA and its allies have continually fought hard to limit the nation’s most important gun control measures in ways that significantly reduce their effectiveness.330 The fact that background checks apply only to sales by licensed dealers is a glaring recent example,331 but this sort of policymaking, in which a restriction on guns is imposed but undermined by its conspicuous incompleteness, is not a new phenomenon. It has been a pattern repeated many times over the past century. For example, among the earliest federal gun control enactments was the Mailing of Firearms Act of 1927,332 which prohibited interstate mail-order purchases of handguns but applied only to shipments by the United States Postal Service. The ban could be avoided simply by shipping the handguns through a private package delivery company such as United Parcel Service.333 Another egregious example was the Gun Control Act of1968’s ban on imports of small, inexpensive, low-quality handguns.334 By cutting off imports of these guns from abroad while imposing no restrictions on their domestic manufacture, the legislation gave birth to a set of new U.S. manufacturers soon churning out enormous quantities of small, cheap “Saturday Night Special” pistols.335 Politics explains in part this frustrating pattern of repeatedly enacting gun control measures that are too limited to accomplish fully their objectives. Gun control is such a controversial issue that compromises and bargains must be struck to get anything enacted, and sometimes those deals result in misshaped legislation. The aggregation of disparate interests through the political process can produce legislation drawing lines and distinctions otherwise lacking any rational explanation. For example, the ban on foreign imports of cheap handguns became law in 1968 because it had the enthusiastic support of the U.S. gun industry (as a protectionist measure) as well as the support of gun control advocates.336 A few years later, without the gun makers and their allies in Congress on board, attempts to extend the same restrictions to domestically manufactured handguns failed.337 Other major pieces of gun control legislation, from the National Firearms Act of 1934338 to the Brady Handgun Violence Prevention Act of 1993,339 have undergone significant hacking and twisting to gain majority support as they moved through Congress.340 The shortsighted enactment of incomplete measures has also occurred in part because gun control legislation has so often been theproduct of acute surges of concern or prominent tragedies. Congress passed the National Firearms Act of 1934 amid widespread fear of gangsterism, fueled by sensational media reports, and in the wake of an anarchist’s failed attempt to assassinate President-elect Franklin Roosevelt.341 The assassinations of Reverend Martin Luther King, Jr. and Senator Robert Kennedy led to passage of the Gun Control Act of 1968.342 Rather than seeking to fashion proposals that comprehensively address a problem, legislators often rushed to patch whatever hole in gun laws seemed to be responsible for the most recent tragic incident. Lee Harvey Oswald purchased his rifle through the mail, thus legislators proposed bans on mail-order firearm sales.343 The two students who carried out the deadly shooting spree at Columbine High School in 1999 obtained one of their weapons through a gun show, thus expanding background check requirements at gun shows became the focus of post-Columbine legislative activity.344 This pattern of limited and specific responses to particular tragedies continues to this day, with Congress’s reaction to the Virginia Tech shootings as the most recent example.345 The incrementalist model of policymaking thus provides a way of understanding and assessing many of the difficulties that have plagued development of gun laws in the United States. Congress enacted a series of measures that gradually increased controls on firearms. Those federal provisions lay on top of a wide array of state and local measures, forming a confusing and unfinished mosaic in which many odd lines have been drawn and significant gaps in coverage remain. America’s gun laws evolved in small and varying steps over time without coalescing into a sound and coherent whole. This is particularly troublesome with respect to guns because of the central role that “slippery slope” concerns play in inflaming the debate over firearm regulations.346 Polls suggest that about half thecountry believes even modest gun control measures will lead to progressively stricter laws and eventual confiscation of all guns.347 The idea that politicians and organizations calling for gun control ultimately want to prohibit all guns is an article of faith among hardcore advocates of gun rights.348 Incremental implementation of increasingly strict regulatory controls on guns inevitably pours fuel on these fears.349 That is particularly true when governments adopt gun control measures that are incomplete in their coverage in crucial respects. For example, many gun owners see that the federal background check laws leave gaping holes by affecting only sales by licensed dealers and ignoring black-market and other secondary sales.350 Rather than seeing such laws as well-intentioned but limited measures, many gun owners conclude that the laws cannot truly be aimed at criminals and instead must be meant to harass law-abiding gun purchasers and lay the groundwork for future bans and confiscations of guns.351 For many other policy issues, incrementalism would not pose this problem. If government agencies develop safety standards for automobiles, for example, by tinkering with existing regulations and making an endless series of small, new policy changes until they get just the right results, few Americans would see this as terrifying proof that the government is secretly determined to ban and confiscate all cars. With respect to guns, however, slippery slope concerns are widespread and intense, and it is crucial for policymaking on guns to be handled in ways that do not unnecessarily exacerbate those fears. The flip side of the “slippery slope” problem is the danger that adoption of an array of incomplete measures saps support for gun control among those otherwise favoring it. Sociologist and philosopher Herbert Marcuse is among those who have described how government programs often go just far enough to suppress support for more comprehensive and effective reforms.352 For example, he contends that the welfare system “provides the minimal amount of benefits to keep its recipients from revolution, yet never enough to make educational or social advancement possible.”353 Likewise, the existing gun laws are enough to reassure many people that something is being done, thereby defusing pressure for larger steps to be taken. Indeed, one of the arguments invariably invoked against passage of any new gun control measure is the apocryphal claim that there are already more than 20,000 gun laws on the books in the United States.354 If all those laws have not made us safe, the argument goes, enacting one more law surely will not make a difference. The end result is that most of the public is skeptical of the effectiveness of gun control laws even while it favors their adoption.355

#### ban not key – cp solves

To avoid the problems posed by controls implemented in incomplete, piecemeal ways, it is not necessary to go to the extreme of either completely banning guns or having no regulation of them at all.356 Instead, policymakers should be striving harder to ensure thatwhatever restrictions they put on guns are not limited in arbitrary or unreasonable ways that undercut their effectiveness. Transforming the current background check requirements into a more comprehensive and stronger system should be a high priority. As one member of Congress put it in the debates after the Virginia Tech shootings, “if we are going to have a background check system, we ought to do it right.”357 Background checks should be required for all acquisitions of firearms, not just purchases from licensed dealers. A system of licensing gun owners and registering firearms would be the ideal means of facilitating and ensuring compliance with the background check requirement. Safety training and a thorough background check could be prerequisites for the licenses. Registration of firearms would permit quick and reliable tracing of guns used in crimes, giving everyone a strong incentive to comply with the background check rules.358 In other words, if you wanted to sell a gun to a neighbor, you would have every reason to ensure that he was licensed and legally qualified to have the gun so that you could update the registration and later prove easily that you no longer had the gun if it turned up in connection with a shooting or other unsavory incident.

### Kwon 2005

Kwon 5 [Ik-Whan G. Kwon (Professor of Decision Sciences and Management Infor- mation System and Director of the Consortium for Supply Management Studies at the John Cook School of Business, St. Louis University) and Daniel W. Baack, The American Journal of Economics and Sociology, 2005] AZ

#### Methodology

The first category, registration of firearms, includes the laws addressing the following issues: registration of assault weapons; permit required to purchase assault weapons from a dealer or in private transactions; registration of long guns (rifles and shotguns); permit required to purchase long guns from a dealer or in private transactions; registration of handguns; and permit required to pur- chase handguns from a dealer or in private transactions. The second category, safety training, assigns a positive score if states require safety training prior to purchase of a gun. The third category, regulation of firearm sales, catalogues a variety of laws such as assault weapon bans, junk gun or Saturday night special bans, background checks required in dealer sales/private sales of long guns/handguns, a waiting period for long guns/handguns, minimum age for private pur- chase of long guns/handguns, and a one-gun-a-month law for hand- guns. The fourth category, safe storage and accessibility, measures two features: a safe storage requirement and a child access preven- tion law. The fifth category, owner licensing, measures owner licensing for assault weapons, long guns, or handguns and minimum age for possession of long guns or handguns. For the last category, litigation and preemption, points are removed if a ban on litigation against the gun industry or state preemption of municipal gun laws is instituted in law. The resulting scores represent a holistic (comprehensive) measure of each state's entire gun control legislation. The higher the score, the tougher the gun control environment in a state. The top 12 states based on scores are Massachusetts (76), Hawaii, (71), California (53), Connecticut (50), Maryland (43), New Jersey (35), Illinois (35), New York (27), Iowa (18), North Carolina (18), Rhode Island (18), South Carolina (17), and Minnesota (16). The lowest 12 states are Maine (-10), Louisiana (-8), Alaska (-8), Texas (-6), Montana (-6), Kentucky (-6), Vermont (-5), North Dakota (-5), Georgia (-5), Arkansas (-5), Wyoming (-4), and Oklahoma (-4). To increase the power of the analysis, the entire sample space (50 states) is split into upper and lower quartiles. These states represent the strongest (upper 75th percentile) and weakest (lower 25th per- centile) gun control states. A dummy variable (LAWS) is assigned, rep- resenting 1 as the highest 12 states and 0 for the lowest 12 states. This approach effectively minimizes criticism of the use of the actual scores, which assume a linear relationship between scores and the comprehensiveness of gun-related legislation. It is hoped that a use of this holistic approach to assess the effec- tiveness of gun control laws will produce a comprehensive and clear understanding of this important issue. Based on the argument pre- sented above, the following hypothesis will be evaluated:

Hypothesis 6: There is a positive relationship between gun control legisla- tion levels in a state (upper quartile vs. lower quartile) and the number of firearm deaths in that state

#### gun control works and reduces crime

A MULTIVARIATE LINEAR REGRESSION MODEL was constructed to test our hypotheses. Variance inflation factors (VIFs) were estimated to assess multicolinearity. Our test reveals no serious problems. Table 1 presents descriptive statistics for the variables for two groups: whether states are in the top or bottom quartile of gun control legislation. States with the most comprehensive gun control laws have more violent crimes (461.49 per 100,000 inhabitants) than states with lax laws (362.25 per 100,000 inhabitants). The percentage of African Americans in the population in a state also varies between the groups (12.57 percent in the upper quartile, 9.45 percent in the lower). For law enforcement officials per 1,000 inhabitants, states with more com- prehensive gun control legislation have slightly more officers than their counterparts (3.39 vs. 3.16, respectively). Unemployment is higher in states in the bottom quartile (5.85 in the lower quartile vs. 5.49 in the upper). Finally, a higher percentage of the population lives in metropolitan areas for states with the most comprehensive gun control laws (81.82%) than in states with lax laws (50.2%), and the difference is statistically significant (p < 0.01). Table 2 shows the results of the multivariate linear regression models. In addition to the regression coefficients, it includes 95 percent confidence interval for the regression coefficients. As shown, the model has a good fit with a R2 of 0.883 and a F-value of 21.303 (p = 0.000). As mentioned, multicolinearity is not an issue with each VIF value being less than 5 (not shown here but provided upon request). According to Table 2, states with more extensive gun control laws (LAWS) experience on average almost 3 /2 fewer firearms deaths per 100,000 inhabitants than their counterparts (p < 0.01), with anywhere between 1 to 5.7 fewer deaths overall. It is interesting to note that rural areas have a higher rate of firearm deaths than metropolitan areas (METRO, p < 0.01). This result is espe- cially interesting considering the conflicting results in the literature. Our finding, however, seems to support Duggan's (2001) study on this variable.

### Wolpert 98

#### Symbolic predispositions affect our personal preferences

What does produce distinctive policy attitudes are "symbolic predisposi- tions" (see generally Sears and Funk, 1990). Symbolic predispositions, such as party identification, ideology, nationalism, or racial prejudice, are stable affec- tive preferences acquired through conditioning in preadult years (Sears et al., 1980, p. 671; Sears and Funk, 1991, p. 13). These predispositions influence adult policy attitudes on the basis of cognitive consistency, where the sim- ilarity of symbols posed by policy issues evokes longstanding affective re- sponses rather than rational self-interested calculations (Sears et al., 1980, p. 671). There are, of course, a few exceptions to the general rule that self-interest fails to influence policy attitudes. Self-interest has been found to be signifi- cantly associated with support for tax-cutting ballot propositions (Sears and Citrin, 1985) and cigarette taxes or smoking restrictions (Green and Gerken, 1989). Some scholars have hypothesized that self-interest works in these cases because of the unusual clarity and magnitude of the personal stakes as well as the legitimacy of placing responsibility for the policy on the government (Sears and Funk, 1990; Green and Gerken, 1989). For most issues, however, the stakes are neither large nor high and voters attribute their personal well- being to themselves rather than the government (Sears and Funk, 1990, p. 166). This "ethic of self-reliance" (Sniderman and Brody, 1977) or bias to- ward making internal attributions means that it is difficult for voters to com- prehend the full impact of government actions on their lives and adopt ratio- nal self-interested preferences (Sears and Funk, 1990, p. 166). The research presented here indicates that self-interest strongly influences public preferences on gun control. Using national polls taken at various times between 1981 and 1993, we find that gun owners are consistently and significantly less supportive than non-gun owners of banning handguns, banning assault weapons, and imposing a seven-day waiting period for the purchase of firearms. Symbolic factors are only sporadically significant, and when signifi- cant, their influence is far outweighed by self-interested considerations. We conclude by discussing why self-interest, which ordinarily has little influence on policy preferences, exerts such a strong influence on attitudes toward gun control.

#### gun culture = symbolic politics

Because gun control evokes a distinct set of values collectively known as "the gun culture" (Spitzer, 1995), we also expect attitudes toward gun control to originate in symbolic predispositions that are the result of preadult socializ- ation. The term "gun culture" refers to the sentimental attachment of many Americans to firearms. This attachment is rooted in the connection between guns and the country's early struggle for survival and independence, the fron- tier experience, the hunting and sporting ethos, and the cultural tradition that has grown up about these experiences (Spitzer, 1995, p. 12; Hofstadter and Wallace, 1971). In contemporary society, the gun culture revolves around those who continue to use guns for hunting, sporting, and related purposes (Spitzer, 1995, p. 12). Opponents of gun control, including the NRA, deliber- ately cast the gun control issue in moral terms to evoke the fundamental and personal values underlying the gun culture (Spitzer 1988, p. 136; 1995). The values associated with the gun culture are ideologically related to indi- vidualism and opposition to governmental intrusion into private citizens' lives (Spitzer, 1988). Politically, they are connected with the Republican party, which has historically opposed gun control (Spitzer, 1988, pp. 127-128; Gim- pel, 1998). Because gun control evokes values that are politically and ideologi- cally distinctive, attitudes toward gun control may be stimulated by traditional affective, symbolic preferences such as party identification and ideology. We include demographic factors such as region of residence, urban-rural residence, religion, income, age, gender, and race in our models for two rea- sons. First, prior research indicates that those who own guns and/or compose the active gun culture are demographically distinctive. Gun owners are likely to be from the South and live in rural rather than urban areas (Ellison, 1991; Dixon and Lizotte, 1987; Bankston et al., 1990; Marciniak and Loftin, 1991; Young, 1986; Marshall and Webb, 1992). Protestants are more likely to own guns than those of other religious traditions (Sheley et al., 1994; Marciniak

### Goss 10

Goss 10 [Kristin Goss (Associate Professor in the Sanford School of Public Policy at Duke), *Disarmed: The Missing Movement for Gun Control in America*, Princeton Press, 2010] AZ

#### Incrementalism DA – people are more likely to join an incrementalist movement and empirically has more success

Because people are more likely to participate when they have a sense of individual or collective efficacy,154 movement leaders must persuade sympathizers that their efforts will make a difference. In more formal terms, social-movement leaders must provide a credible case that an individual expenditure of time or money (personal cost) will increase the probability of a socially beneficial outcome (social benefit). Thus, Proposition 3: Movements for public goods must move in incremental steps, allowing for the accretion of small wins and creating the impression that participation pays off. Incrementalism refers to small policy steps that might be expected to aggregate toward ever larger political goals. There are two types of policy incrementalism that increase the probability of momentum at the organizational level, and therefore of efficacy at the individual level. I label them vertical incrementalism and horizontal incrementalism. Vertical incrementalism refers to the process of making policy at lower levels, and allowing those successes to influence policy making at higher levels. Vertical incremenalism is particularly suited to federalist systems, in which policy-making authority is decentralized—vested in neighborhood, municipal, county, and state units, with national units the last resort in most cases. Frank R. Baumgartner and Bryan D. Jones note that issue advocates often move among levels of government—different “policy venues” —to find the most sympathetic decision-making audience.155 Baumgartner and Jones conclude that “dramatic changes in policy outcomes are often the result of changes in the institutions that exert control.”156 Vertical incrementalism is the concept that underlies calls for “grassroots movements,” “state laboratories,” and “letting a thousand flowers bloom.” Horizontal incrementalism refers to the slow accretion of new regulations onto an existing body of law. To work politically, incremental policies should allow for, even beg for, amendments that are on the path toward advocates’ ultimate policy goal. That is, horizontal incrementalism is inherently instrumental, with each mobilizing project representing a logical step in a long-term policy-making process. The regulatory framework can grow along two key dimensions: scope and severity. Scope refers to the number of parties affected; severity refers to the costs imposed on those affected by the policy. Incremental policy making typically involves marginal changes that are portrayed by their partisans as mere corrections to flaws in existing laws. Indeed, John Kingdon found that policy elites viewed incrementalism “not as a description of the way the world is but as a strategy that one might use to manipulate outcomes.”157 Horizontal incrementalism is embodied by phrases such as “plugging loopholes,” “small wins,” and “the camel’s nose under the tent.” Standing in contrast to incremental strategies are what I refer to as “rational national” strategies.158 Rational strategies promote policies that are strict and comprehensive. National strategies promote laws to be passed by Congress or executive orders to be issued by the president. Both approaches are rooted in unassailable policy logic. The rational strategy assumes that, because bad guys will look for loopholes, laws must be all-encompassing. The national approach recognizes that, because people and products move freely among jurisdictions, only national laws can prevent weak-regulation jurisdictions from undermining the efforts of strong-regulation jurisdictions. In their hearts, social-movement leaders favor rational-national policies. As Jane Mansbridge notes, movement volunteers often “would rather lose fighting for a cause they believe in than win fighting for a cause they feel is morally compromised.”159 While the preference for policy purity makes sense from a moral and intellectual standpoint, the rationalnational strategy is poorly suited to the practical exigencies of the American political system. Consistent with the framers’ desire to prevent tyranny, the U.S. system distributes power among local, state, and national governments; divides authority among a legislative, executive, and judicial branch at each level; and contains multiple veto points. By so diluting power, the U.S. system is rigged to stymie bold policy proposals and frustrate social reformers. Thus, they must discover a strategy that can deliver “rational national” policies but in a way that respects political reality. Incrementalism is that strategy. First, it offers meaningful opportunities for locally rooted collective action and a reasonable chance of political success, thereby generating individual efficacy and organizational momentum. Thus, incrementalism builds movement capacity. Second, incremental policy victories send valuable signals to elected officials about public preferences, thereby reducing legislators’ reluctance to act. Third, incrementalism allows policy innovations and political strategies to spread from one jurisdiction to another, broadening participation. Finally, as other movement leaders have learned, incremental policies build political constituencies. Once people are comfortable with some limited amount of regulation, a little bit more doesn’t seem so threatening. Elected officials, seeking to consolidate their power and electoral security, do not like to take risks; neither do American citizens, who are socialized to be wary of elite “solutions.” Incrementalist policy approaches reduce the perception of risk and create logical precedents for further policy making. Indeed, mustering a well-organized, broad-based social movement dedicated to incremental policy strategies may be the only way to trump the passionate concentrated interests that typically oppose social regulation and public goods.

#### Absent policy focus, gun control fails

PATRONAGE AND GUN CONTROL ORGANIZATIONS In some ways, gun control advocates have never lacked for state sponsors. Some of the most ardent advocates of gun control were government offi- cials championing the cause in the absence of citizen pressure. Attorneys general, big-city mayors, police chiefs, lawmakers from all levels of government, even presidents have testified in favor of tighter firearms restrictions and sponsored such measures. And yet, for the most part, these efforts have involved solitary, expressive actions by true believers, rather than collective intergovernmental lobbying efforts or the marshaling of bureaucratic resources for the gun control cause. Typically, state patronage has involved the vocal sponsorship of gun control restrictions by individuals: U.S. attorney general Homer Cummings in the 1930s, Senator Thomas Dodd in the 1960s, Representative John Conyers in the 1970s, Mayor Dianne Feinstein in the 1980s, and Massachusetts attorney general Scott Harshbarger in the 1990s. On the rare occasions when the intergovernmental lobby has teamed with citizen gun control organizations— for example, to restrict “cop-killer bullets” and “assault weapons” and to institute background checks on many handgun buyers—legislators have passed the measures.Sympathetic government officials and occasional policy victories notwithstanding, gun control organizations have lacked state patronage, and hence the citizen movement has been constrained. This is in large part because the gun rights opposition worked to undermine sympathetic agencies, but it is also because, except occasionally at the state level, gun control advocates did not try to build strong relationships with government agencies. The absence of bureaucratic patronage on the gun control side has confined the political battle to the legislative branch, where gun rights supporters dominate. In addition, the lack of state patronage has prevented gun control advocates from claiming that authoritative experts and evidence are on their side. Three federal bureaucracies had the potential to serve as a valuable ally to gun control groups: the Consumer Product Safety Commission; the Bureau of Alcohol, Tobacco, and Firearms; and the Centers for Disease Control and Prevention. Each of these agencies began tentatively to associate itself with the gun control cause. And in each case, gun rights forces worked through Congress to block these moves, sometimes with little objection from gun control advocates. Thus, against these bureaucratic threats, gun rights supporters pursued a vigorous “3D” strategy: “defund, delegitimize, and deprive.” They sought to defund by pressuring lawmakers to cut the agencies’ budget appropriations; to delegitimize by undermining the bureaucracies’ reputation or jurisdiction; and to deprive by ensuring that gun control advocates gained no powerful allies. Although most publicized at the national level, similar strategies also occurred at the state level.

#### Cede the political – causes worse militarism

Patronage does not by itself increase citizen mobilization. What patronage does is to build sustainable institutions and propagate credible ideas. Even as the gun control “movement” has lacked institutional patronage on a broad scale, evidence clearly suggests that those patron resources that have been available have been critical in building the modern gun control campaign. Two cases illustrate the argument. The first case is the Joyce Foundation, a major private grant maker based in Chicago. The foundation began making grants in the area of violence prevention in 1993. Between 1996 and 2004, it distributed nearly $30 million through nearly 120 grants.110 The foundation’s patronage was explicitly intended to reframe violence as a public health problem and to support policy approaches consistent with that conceptualization. Specifically, the foundation sought to support “policy-relevant research,” “efforts that lead to the treatment and regulation of guns as a consumer product,” “effective Midwest-based coalitions and national coalitions with a strong Midwest presence,” efforts aimed at “encouraging and strengthening the activity of medical professionals in addressing gun violence as a public health issue,” and projects “communicating public-health policy and research to Midwestern and national policymakers.”111 The foundation provided start-up funds and/or operating support to state gun control organizations in California, Illinois, Indiana, Iowa, Michigan, Minnesota, and Ohio, as well as financing academic research and policy centers that provide intellectual and strategic resources to gun control organizers. Other foundations, including the California Wellness Foundation and the Aaron Diamond Foundation, also committed substantial sums to gun control–related grants, but their grant making did not begin in earnest until the mid-1990s. The second case is that of Colorado and Oregon, sites of high-profile school shootings in the late 1990s. In the wake of these events, Andrew McKelvey, who had made a fortune through an Internet venture, decided to create a national gun control organization, Americans for Gun Safety (AGS). One of the group’s first acts was to finance an extensive grassroots and media campaign to pass ballot initiatives in Colorado and Oregon requiring all sales of firearms at gun shows to be subject to a background check on the would-be buyer. AGS spent $2.8 million on the initiatives, including $200,000 to support state gun control groups, $1.85 million for television ads featuring Senator John McCain (R-Ariz.), and $800,000 for radio ads, mailings, and calls to get out the vote.112 Handgun Control, Inc., contributed at least $115,000 to the Colorado initiative and $55,000 to the Oregon measure.113 Both measures passed, Colorado’s with 70% of the vote and Oregon’s with more than 60%. While it did not build a movement, the AGS patronage allowed state activists to secure symbolic victories in two western states and to establish gun control as a winning issue outside liberal urban areas on the two coasts. WHY THE LACK OF PATRONAGE MATTERS Gun control is an issue that has a resourceful base of supporters, yet its patronage resources have been scarce. One reason is that gun rights groups have pursued an aggressive strategy to deprive gun control groups of patrons in the federal bureaucracy. Working through allies in Congress, the NRA and its coalition partners have secured legislation barring the Consumer Product Safety Commission (CPSC) from regulating guns or ammunition and have secured retaliatory cuts in the budgets of the Bureau of Alcohol, Tobacco, and Firearms and the Centers for Disease Control and Prevention. One reason why these actions were so important was that in two cases—the CPSC and the CDC—a full-fledged partnership with gun control groups might have not only strengthened the “movement” but also enabled issue entrepreneurs to reframe their message in terms of consumer protection and public health, frames that are friendlier to move-ment building. The next chapter considers the impact that reframing the debate has on the scope of political engagement around gun control. Gun control advocates have also lacked the alternative to government patronage: private support. This is in part because of the actions of gun rights supporters, but it is mostly the product of institutional factors having nothing to do with gun control per se. I have suggested that one form of patronage—financial and volunteer support from multi-issue membership groups—was limited because the most logical patron, organized middle-class women, were narrowing their focus to women’s rights at the very time that gun control advocates most needed them to fulfill their traditional role as stewards of community security. In addition, gun control advocates have lacked patronage support because tax laws and foundation norms make it very difficult to sustain political organizations geared toward public goods. The laws provide a powerful incentive for issue advocates to organize as public charities to secure financial support and government subsidies. However, in the process they must agree in essence to focus on education rather than legislative or electoral change.

#### Framing matters – it shapes policy and public thinking about gun ownership

Scholars in a variety of traditions have long asserted that how we think and talk about an issue profoundly influences the politics surrounding it. As noted in chapter 2, scholars have used many terms to capture this core construct: issue definition, framing processes, causal stories, narratives, and so forth. For the sake of consistency, I will use these terms interchangeably, even though there may be subtle differences among them. Mayer Zald defines frames as “the specific metaphors, symbolic representations, and cognitive cues used to render or cast behavior and events in an evaluative mode and to suggest alternative modes of action.”3 As Zald and others have aptly noted, framing processes are critical parts of the larger political process. “Movements and countermovements not only are involved in mobilization contests to demonstrate who has the most support and resources at their command, they are involved in framing contests attempting to persuade authorities and bystanders of the rightness of their cause.”4 Writing about the notion of public ideas, Mark Moore argues likewise that “the intellectual properties that matter are those that qualify the idea in political and institutional terms, not scientific and intellectual terms.”5 The empirical literature on issue framing has focused on how differences in the way issues are cast affect political attitudes. Thus, new frames may activate different dimensions of an issue6 and in so doing affect the salience of the issue for individuals and perhaps alter their opinions about how political leaders should address it. In altering cognition, framing processes also have the potential to alter an arguably more important construct: political behavior. On one hand, reframing an issue may transfer issue ownership from one group to another group. Deborah Stone notes that different causal stories empower different people with different tools, skills, and resources to solve a given problem.7 Reframing is partly strategic: “People choose causal stories not only to shift the blame but to enable themselves to appear to be able to remedy the problem.”8 That is, “people with pet solutions often march around looking for problems that need their solutions.”9 Concerned individuals need mobilizing frameworks. Those frameworks arrive when skillful advocates interpret events or indicators in resonant ways. If the newly empowered group is large, well organized, and politically potent, the reframing process may expand the scope of conflict in fairly dramatic ways. Besides transferring ownership, new frames can activate behavior by altering individuals’ subjective assessments of their interests. Frames do not in and of themselves manufacture interests. A well-reasoned argument will not normally inspire action absent an underlying reason to get in-volved. What frames do is legitimize the involvement of interested individuals by creating a “we.” Thus, effective frames expand the scope of con- flict by linking personal identity to collective action. As William Gamson and David Meyer note, “Changes in the scope of conflict involve new definitions about who is or should be involved as well as changing the alliance possibilities and the resources involved.”10 Although reframing may have little impact on the actions of those already involved, it will have an impact on the actions of what E. E. Schattschneider termed the “audience,” whose participation is at the root of conflict expansion.11 The hypothesized link between framing processes and actual political behavior is widely supposed but rarely tested. Scholars of political behavior are far more likely to model behavior as a function of measurable factors at the individual level, such as socioeconomic status, age, exposure to recruitment messages, and so forth. As Mark Moore notes, “It is one thing to observe that public actions are consistent with particular public ideas articulated by specific participants in the policy process. It is quite another to prove that the ideas are producing an independent effect on the public actions one observes.”12 And yet, we know that elites try to change the definition of issues, presumably to alter either public or decision makers’ behavior. Adam Berinsky and Donald Kinder allow that individuals can “construct their own understanding of political realities. But most often, the hard work of defining what an issue is ‘about’ will most likely be done by those who have the largest stake—political or commercial—in getting the public to view an issue their way. This means that the interpretations that prevail among elites may substantially affect how issues are understood by ordinary citizens.”13 Building on the insights and assertions of agenda-setting and social movement scholars, this chapter demonstrates that reframing processes are a critical element in conflict expansion. In the case of gun control, I show how elites interpret “objective” events and indicators and how those interpretations affect the scope and nature of political activity around the issue at hand. From a movement-building perspective, an effective frame will construct self-interest by casting negative indicators as a direct threat that is easily understood by, and legitimizes the involvement of, the median American. In short, issue entrepreneurs identify selfinterest by spelling it out. This observation is at once obvious and deeply counterintuitive. In scholars’ understanding, “problem definition” is the process by which issue entrepreneurs transform thousands or even millions of seemingly unconnected individual woes into a collective “public problem.” The personal becomes political. To be sure, social-movement leaders must accomplish exactly that. But they must also accomplish the flip side: They must turn a “public problem” into a personal threat. They must persuade sympathizers —would-be movement participants—that the problem might affect them in a direct way. They must make the political become personal. Thus, the social-movement leader’s task is twofold: to construct group interest by bringing a collective-action frame to individuals who already know they have an individual stake in policy reform; and to construct individual interest by bringing a collective-action frame to individuals who may not know they have a stake. In other words, not only must issue entrepreneurs collectivize the benefits of individual goods, they also must individualize the benefits of collective goods. When that happens, individuals can see a benefit to participating in social reform and recognize the cost of doing nothing. When issues are so personalized, intensity rises. Even though free-rider problems are still present, they are greatly reduced. Emotion, especially fear, is a partial solution to the free-rider problem. In a strict sense, passion can trump cognition. In the rest of the chapter, I trace the framing of gun control from 1960 onward. The analysis is based on thousands of documents, including gun control advocates’ public speeches, direct-mail solicitations, media interviews, and strategy documents, among other materials. I argue that the dominant “crime frame” was ineffective in expanding the scope of con- flict because it played into heuristics about who is victimized by, and in charge of controlling, gun violence. These heuristics were conflict limiting rather than conflict expanding. However, after three decades of stalemate, a small cadre of issue entrepreneurs, using newly available indicators, made a conscious attempt to reframe the debate in a way that the theory predicts would expand the scope of conflict. Their efforts provide an opportunity to test the theoretical connection between frames and behavior, and the results indicate that the connection is indeed significant, both statistically and substantively.

#### Bottom-up, incremental approach is crucial

Goss 10 [Kristin Goss (Associate Professor in the Sanford School of Public Policy at Duke), *Disarmed: The Missing Movement for Gun Control in America*, Princeton Press, 2010] AZ

SOCIALIZING THE COSTS OF PARTICIPATION, and personalizing the benefits, are two ways by which issue advocates can expand political conflict to their advantage. This chapter considers a third mechanism: increasing the expected value of social benefits relative to the expected value of personal costs. The individual’s cost-benefit assessment improves when he calculates that a minor investment of political resources (individual costs) will produce the desired policy outcome (social benefits). This is what I have termed the participation payoff. In a decentralized, fragmented democracy, an expected participation payoff is increased when social-movement organizations pursue policy incrementalism: small policy steps that might be expected to aggregate toward ever larger political goals. In the United States, all bona fide social movements have proceeded incrementally. Perhaps the most important reason that gun control has never generated a mass movement is that gun control advocates spurned incrementalism in favor of a “rational national” strategy of policy change. The rational-national strategy favored bold, comprehensive, nation-spanning gun control laws that offered little opportunity for broad-based participation. The alternative—incrementalism—is significantly more conducive to movement building. Vertical incrementalism—the process of making policy at lower levels of government and allowing those successes to in- fluence policy making at higher levels—is particularly important in federalist systems, in which policy-making authority is decentralized. Horizontal incrementalism—expanding the scope or severity of an existing body of law—is particularly suited to democracies characterized by interest-group pluralism, porous and fragmented institutional structures, highly competitive parties, and classical liberal political cultures. The Founding Fathers designed the U.S. system, with its separation of powers and checks and balances, precisely to stymie swift, bold policy change. In short, incrementalism may be the only strategy that has a chance of succeeding in the United States, at least in normal times. Strictly speaking, incrementalism refers to policy making, not participation. However, the gun control case shows that there is a clear link between the policy-making strategies that advocates embrace and the scope and duration of popular participation they might expect. Incrementalism encourages participation by bolstering individuals’ sense of collective ef- ficacy. People participate when they are reasonably hopeful that their participation will contribute to a desired outcome. To calculate that probability, rational individuals not only assess the (prospective) probability of the activity’s success should they join, but also the (retrospective) record of success when others have been involved. To attract participants, then, advocates need to demonstrate that their efforts have momentum: past successes snowballing into probable future successes. In other words, to gain strength, movements need already to be moving. Incrementalism encourages conflict expansion by favorably altering the perception of organizational momentum, both past and future, thereby increasing the estimated benefit/cost ratio of individual participation. In sum, policy incrementalism encourages popular political participation; rational-national policy agendas discourage it. They are movement constraining. The gun control case elucidates an important dynamic in contemporary America: “the policy-politics paradox.” Advocates for sociopolitical reform often face an agonizing trade-off between pursuing legislation that would work (“good policy”) and political strategies that would be effective in securing that legislation (“good politics”). Although sensible policy and smart politics should go hand in hand, in fragmented democracies these goals are more typically at odds. Good policy makes for bad politics; good politics makes for bad policy.2 In the face of this policy-politics paradox, gun control supporters opted for sound policy, in effect forgoing a movement-building strategy in the interest of moral and ideological purity. Gun rights supporters, on the other hand, put politics above policy ideals. They systematically chipped away at gun regulations to achieve the comprehensive result they ultimately desired. Thus, gun rights advocates pursued a politics-driven strategy that has largely succeeded in mobilizing supporters; gun control advocates pursued a policy-driven strategy that has largely failed to deliver the legislative results they desired.

#### Background on a national handgun ban

In the 1970s and 1980s, most leading gun control advocates at the state and national levels advocated a boldly nonincremental strategy: a swift ban on the civilian possession of handguns, including those already owned. Some national organizations continued to embrace that policy goal into the 1990s, and even the 2000s. Their position was based on three arguments. The first was that handguns have no place in a civilized society. Because most of the early activists were either religious leaders or victims of gun violence, moral objections took center stage. A popular slogan at the time was, “We need handguns like we need a hole in the head.”9 Second, gun control advocates argued that handguns do more harm than good: They are ineffective in warding off criminal activity and in fact make violence and criminality easier to pursue. Third, the gun control advocates argued that only a complete ban would be effective. As the National Coalition to Ban Handguns contended in a 1975 statement: Severe penalties won’t work because c[ri]minals will not oblige by registering their guns or leaving them behind at the scene of a crime. Banning Saturday Night Specials won’t work because only 25 percent of handguns extant are in that category. Licensing won’t work because it would not screen out ‘crimes of passion’ ordinarily committed by persons without a previous conviction record. That leaves banning handguns. We believe that eliminating handguns will work.10 Thus, for gun control advocates there were moral as well as rational policy justifications for removing handguns from civilian hands. There were also sound organizational reasons for pursuing a ban. By definition, nonprofit advocacy groups rely on voluntary contributions of time and labor, and those volunteers and donors tend to feel passionately about the cause and to support dramatic policy remedies. To survive, advocacy groups must cater to these preference-outlier constituencies, whether they be individual donors, volunteers, or staff members, who are paid less than they could receive in a for-profit enterprise

### Lee 15

battleship + chips

#### single state policies can't solve

Lee 15 [Kangoh Lee (Department of Economics, San Diego State University), "Federalism, guns, and jurisdictional gun policies," Regional Science and Urban Economics Journal, April 2015] AZ

The paper studies the effects of federalism on gun ownership and efficiency of jurisdictional gun policies. Jurisdictions in a federal system choose gun policies to suit their preferences, and gun policies differ across jurisdictions. The cost of owning a gun depends on the extent of gun regulations, and the differences in gun policies between jurisdictions in a federal system entail cross-jurisdiction gun buying. By contrast, in a unitary system, gun regulations are uniform across jurisdictions, and cross-jurisdiction gun buying is absent. As cross-jurisdiction gun buying enables residents of a jurisdiction to buy guns from other jurisdictions with less stringent regulations, federalism tends to increase gun ownership relative to a unitary system. In addition, more stringent regulations of a jurisdiction decrease the number of illegal guns that criminals of other jurisdictions can purchase, reducing crimes in other jurisdictions and benefiting other jurisdictions. However, the jurisdiction does not consider the external benefits on other jurisdictions when setting its gun policies, and gun policies tend be too lax relative to the efficient level. The paper also provides an empirical analysis of the effect of federalism on gun ownership, and available evidence suggests that gun ownership depends on federalism.

#### lots of guns cross state lines

Cross-jurisdiction gun buying plays a crucial role in the subsequent analysis, and this section presents anecdotal evidence on crossjurisdiction gun buying. The most comprehensive firearms trace in the U.S. has been conducted by the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) in order to assist law enforcement agencies by providing information about the source of firearms. In 2014, ATF released firearms trace data for year 2013.4 It traced more than 336,000 crime guns and identified the sources of 166,426 crime guns in 2013. Among them, 47,803 crime guns or 29% of all crime guns identified crossed state lines, indicating that cross-jurisdiction gun buying accounts for a significant portion of crime guns. However, the patterns of exporting and importing crime guns varied substantially from state to state. For example, 4784 guns were recovered in New York, and 2785 guns or 58% of those recovered guns were from other states. By contrast, 5264 guns were recovered in Virginia, and 1098 guns or 21% of those recovered guns were from other states. These facts indicate that states with more strict gun regulations such as New York tend to import crime guns from other states, and states with less strict regulations such as Virginia tend to export crime guns. The extent of crossjurisdiction gun buying in recent years has been stable and similar to that of 2013. For instance, in 2012, ATF traced more than 344,000 crime guns and identified the sources of 156,346 crime guns. 45,412 crime guns or 29% of all crime guns identified crossed state lines.5

### Kopel 2009

#### No instances of abuse by handguns – Utah proves

Kopel 9 [David Kopel (Adjunct Professor of Advanced Constitutional Law at Denver University Sturm College of Law, Research Director of the Independence Institute in Golden, Colorado, and Associate Policy Analyst with the Cato Institute in Washington, D.C), "Pretend ―Gun-Free School Zones: A Deadly Legal Fiction," Connecticut Law Review, December 2009] AZ

After losing in the Utah Supreme Court, the university filed suit in federal district court. The lawsuit was withdrawn in 2007 after the legislature passed a bill allowing students in university dormitories to choose a roommate who does not have a firearm.87 Among the groups who lobbied for campus carry in Utah were Second Amendment Students at the University of Utah.88 However, thus far, hardly any students have exercised the option to be guaranteed a disarmed roommate.89 Thus, faculty at Utah public universities may possess licensed handguns in their offices or automobiles, and may carry those handguns on campus.90 Students aged twenty-one years or older, the minimum age for a concealed handgun permit, may do the same, and may keep their handguns in their dorm rooms.91 The data from Utah campuses reveal no incidents of the slightest misuse of a firearm by a person with a legal permit.92 Nor is there any record of misuse of a firearm by a permit-holder in a K–12 school anywhere in Utah. There have been no instances of attempted mass murders at any school in Utah. One might argue that Utah is an atypical state. Sixty percent of Utah‘s population is Mormon,93 and members of the Church of Jesus Christ of Latter Day Saints are not supposed to consume alcohol.94 Accordingly, one might expect that the risk of alcohol-related gun misuse by students would be lower in Utah than in other states. This is undoubtedly true, but it should also be noted that a rather large percentage of Utah‘s population (and, presumably, its public college and university students), is not Mormon, and there is no evidence of any gun misuse by the licensed nonMormon students either. Moreover, there are many situations in which Mormons‘ abstemious practices in regards to alcohol are irrelevant. For example, one can see from personal observation that in the United States, it is very rare for a public school teacher (whatever his or her religion might be) to show up at school under the influence of alcohol. Accordingly, one might expect that Utah public school teachers are drunk at work about as often—that is, almost never—as teachers everywhere else. There are no known cases of any Utah public school teachers who legally have guns in school ever threatening a student. Nor are there any known cases of Utah high school students taking guns to school because they are afraid of their teachers. Nor are there any reports of any student, teacher, or professor at any educational institution anywhere in Utah reporting that they felt less willing to speak up in a classroom because they were afraid of licensed gun permitees. In sum, there has been a natural experiment which has lasted fourteen years in the Utah public schools, and for the same length of time in the Utah public colleges, except for one recalcitrant school, which finally started complying with the law several years ago. There have been zero instances of the slightest evidence of any harm to academic freedom, let alone any case of misuse of a firearm by a licensed permit-holder.

#### More ev

Kopel 9 [David Kopel (Adjunct Professor of Advanced Constitutional Law at Denver University Sturm College of Law, Research Director of the Independence Institute in Golden, Colorado, and Associate Policy Analyst with the Cato Institute in Washington, D.C), "Pretend ―Gun-Free School Zones: A Deadly Legal Fiction," Connecticut Law Review, December 2009] AZ

It is also important to remember that the comparison is not for entire state populations (e.g., Florida vs. Utah). Rather the comparison is for only a small percentage (under ten percent and usually under five percent) 95 of the Utah and other state population which has been granted a permit to carry a handgun for lawful protection. As discussed in Part IV, this is a population subgroup that in every state is far more law-abiding than is the general population. There is some empirical evidence that people at campuses outside Utah are capable of matching the virtues of Utah citizens—at least for the simple virtue of not committing gun crimes even when the person has a gun. At Colorado State University (whose campus in Fort Collins, Colorado has 25,000 students), licensed carry by faculty, students, and visitors is allowed. The only difference from Utah is that students may not keep guns in dormitories. Licensed carry is also allowed for faculty, students, and visitors at Blue Ridge Community College (three campuses; enrollment of about 4000 at the largest campus) in rural Virginia. Colorado‘s ―Shall Issue‖ law was enacted in 2003, and Virginia‘s in 1995. Again, there are no reported instances of gun misuse by licensees at these institutions.96

#### Israel proves that deterrence works even in schools

Kopel 9 [David Kopel (Adjunct Professor of Advanced Constitutional Law at Denver University Sturm College of Law, Research Director of the Independence Institute in Golden, Colorado, and Associate Policy Analyst with the Cato Institute in Washington, D.C), "Pretend ―Gun-Free School Zones: A Deadly Legal Fiction," Connecticut Law Review, December 2009] AZ

From kindergarten through graduate school, the schools of Utah have been safe from any attempted attack by mass murderers. The same is true of Colorado State and Blue Ridge. Of course it is impossible to know for sure whether the licensed carry policies at these campuses have had a deterrent effect. There is another place, however, where arming teachers plainly has saved lives. The nation with the most experience in preventing mass murders in schools is Israel. Palestine Liberation Organization (―PLO‖) attacks on Israeli schools began during Passover 1974. The first attack was aimed at a school in Galilee. When the PLO terrorists found that the school was closed because of Passover weekend, they murdered several people in a nearby apartment building. Then, on May 15, 1974, in Maalot: Three PLO gunmen, after making their way through the border fence, first shot up a van load full of workers returning from a tobacco factory (incidentally these people happened to be Galilee Arabs, not Jews), then they entered the school compound of Maalot. First they murdered the housekeeper, his wife and one of their kids, then they took a whole group of nearly 100 kids and their teachers hostage. These were staying overnight at the school, as they were on a hiking trip. In the end, the deadline ran out, and the army‘s special unit assaulted the building. During the rescue attempt, the gunmen blew their explosive charges and sprayed the kids with machine-gun fire. 25 people died, 66 wounded.97 Israel at the time had some severe anti-gun laws, which were left over from the days of British colonialism, when the British rulers tried to prevent the Jews from owning guns. After vigorous debate, the government began allowing army reservists to keep their weapons with them. Handgun carry permits were given to any Israeli with a clean record who lived in the most dangerous areas: Judea, Samaria, and Gaza. All over Israel, guns became pervasive in the schools: Teachers and kindergarten nurses now started to carry guns, schools were protected by parents (and often grandpas) guarding them in voluntary shifts. No school group went on a hike or trip without armed guards. The Police involved the citizens in a voluntary civil guard project ―Mishmar Esrachi,‖ which even had its own sniper teams. The Army‘s Youth Group program, ―Gadna,‖ trained 15–16 year old kids in gun safety and guard procedures and the older high school boys got involved with the Mishmar Esrachi. During one noted incident, the ―Herzliyah Bus massacre‖ (March ‘78, hijacking of a bus, 37 dead, 76 wounded), these youngsters were involved in the overall security measures in which the whole area between North Tel Aviv and the resort town of Herzlyiah was blocked off, manning roadblocks with the police, guarding schools kindergartens etc.98 After a while, ―[w]hen the message got around to the PLO groups and a couple infiltration attempts failed, the attacks against schools ceased.‖99 Although the PLO gave up its school attacks, there was at least one subsequent instance of a lone terrorist targeting a school. On May 31, 2002, a terrorist threw a grenade and began shooting at a kindergarten in Shavei Shomron. Then, instead of closing in on the children, he abruptly fled the kindergarten and began shooting around the nearby neighborhood. Apparently he realized that the kindergarten was sure to have armed adults, and that he could not stay at the school long enough to make sure he actually murdered someone.100 Unfortunately for the terrorist, ―David Elbaz, owner of the local mini-market, gave chase and killed him with gunshots. In addition to several grenades and the weapon the terrorist carried on him, security sweeps revealed several explosive devices that he had intended to detonate during the thwarted attack.‖101 The Israeli policy shows a strong deterrent effect. But Israel‘s policy went vastly further than the current American campus carry proposals. Israel essentially guaranteed that all schoolchildren would be protected at all times by armed defenders. The American proposals would allow for possibility of protection, but would not guarantee it. It is true that in ―Shall Issue‖ states, when there is a large enough crowd, it becomes statistically very likely that at least one and probably several people in the crowd will have concealed carry licenses, and that some of them may be carrying at that moment. But this is not the same as ensuring that all schools are protected all the time. It is well-known that many terrorists have no intention of surviving their terror attack. Yet the Israeli experience does suggest that even people who are intent on dying can be deterred. After all, their objective is to kill as many innocent victims as possible. If a potential target is well-protected by civilian defenders, then the terrorists seem to abandon that target.

#### No cultural bias – even Thai Buddhists show defensive gun use works

Kopel 9 [David Kopel (Adjunct Professor of Advanced Constitutional Law at Denver University Sturm College of Law, Research Director of the Independence Institute in Golden, Colorado, and Associate Policy Analyst with the Cato Institute in Washington, D.C), "Pretend ―Gun-Free School Zones: A Deadly Legal Fiction," Connecticut Law Review, December 2009] AZ

While Thailand‘s government is hostile to gun ownership in general, it has recognized that teachers ought to be able to safeguard their students and themselves.105 As of 2006, thousands of teachers in the three southern provinces were carrying guns, according to Sanguan Jintarat, head of the region‘s Teachers‘ Association. Because the permitting process takes months, many teachers were carrying illegally, without a permit. The government, for its part, was running defensive handgun combat training classes for teachers, and selling them 9mm Steyr semi-automatic pistols for one-fourth of the street price. Teachers‘ determination to be armed intensified after a July 2006 murder of a teacher. According to the Associated Press, ―Prasarn Martchu, a 46-year-old Buddhist, was standing at his blackboard teaching a morning Thai-language class when a gunman walked in disguised as a student, fired twice and escaped while the two armed guards on duty were scared off by the gunfire, according to school officials.‖106 The government has also allowed villages in the south to form citizen militias to patrol the area, and to protect their village from terrorist attacks. The militias are supplied with rifles donated by the government. ―I don‘t care what anyone says,‖ said Thailand‘s Queen Sirikit, according to one of her advisors. ―We must help the people there to survive. If they need to be trained, train them. If they need weapons, give them weapons.‖ 107 ―Give them weapons‖ is exactly what the government has been doing. In March 2009, the Bangkok Post reported that ―[t]he Royal Aide-de-Camp Department plans to buy 4700 pistols and rifles for use by teachers, security officers and village defence volunteers working in the troubled South.‖ 108 Culturally, it is not surprising to hear that there are many people in Israel, Utah, Colorado, or Virginia who are comfortable with a culture of defensive handgun carrying. However, few people think of Buddhist school teachers in Thailand as ranking high among the world‘s ―pro-gun‖ constituencies. The fact that permits in Thailand are sought by Buddhist teachers indicates that the strong desire to protect oneself and one‘s students is something of a universal trait.

#### Handguns on college campuses increase safety

Part III of this Article described situations in the United States and around the world where professors, teachers, and students participate in programs to carry guns for lawful protection; the research found no evidence that the gun-carriers have harmed or threatened anyone (other than terrorists or man-eating bears). But the argument of Students for Concealed Carry on Campus is not simply that ―We won‘t hurt you.‖ Rather, the argument is that ―We will make you safer.‖ That is, a college professor, public school teacher, or adult college/graduate student who has a lawful concealed handgun, and who happens to be present when an attack begins, would make the situation better rather than worse, from the viewpoint of innocent victims. This section presents evidence indicating that campus carry would likely improve campus safety. 114 First, American data show that ordinary violent criminals—the type who might perpetrate an attack in a campus parking lot—are significantly deterred by the risk of confronting an armed victim. Second, police studies show that mass killers who attack schools kill so rapidly that waiting for the police to arrive is guaranteed to lead to mass death; further, mass killers who attack schools tend to kill themselves as soon as they face armed resistance (because they are cowardly, and because they are intent on suicide anyway). Third, there are three cases in which an armed teacher, student, or nearby adult have stopped mass killers on an American campus.

#### Yes deterrence

We know that, in general, criminals are deterred by armed citizens. Intending to build the case for comprehensive federal gun restrictions, the Carter administration awarded a major National Institute of Justice (―NIJ‖) research grant in 1978 to University of Massachusetts sociology professor James Wright and his colleagues Peter Rossi and Kathleen Daly.115 Wright had already editorialized in favor of much stricter controls.116 Rossi would later become president of the American Sociological Association.117 Daly would later win the Hindelang Award, the highest prize bestowed by the American Society of Criminology, for her feminist perspectives on criminology.118 When the NIJ authors rigorously examined the data, they found no persuasive evidence in favor of banning handguns for selfdefense.119 Wright and Rossi produced another study for the NIJ. Interviewing felony prisoners in eleven prisons in ten states, Wright and Rossi discovered that: 34% of the felons reported personally having been ―scared off, shot at, wounded or captured by an armed victim.‖ 8% said the experience had occurred ―many times.‖ 69% reported that the experience had happened to another criminal whom they knew personally. 40% had personally decided not to commit a crime because they thought the victim might have a gun. 56% said that a criminal would not attack a potential victim who was known to be armed. 74% agreed with the statement that ―One reason burglars avoid houses where people are at home is that they fear being shot.‖120 Notably, ―the highest concern about confronting an armed victim was registered by felons from states with the greatest relative number of privately owned firearms.‖121 Furthermore: The authors concluded ―the major effects of partial or total handgun bans would fall more on the shoulders of the ordinary gun-owning public than on the felonious gun abuser of the sort studied here . . . . [I]t is therefore also possible that one side consequence of such measures would be some loss of the crime-thwarting effects of civilian firearms ownership.122 The survey of criminals provides strong evidence that allowing people on campuses to have licensed handguns for protection would deter some crimes. Whether ―Shall Issue‖ laws in general lead to statistically significant reductions in crime is a topic that has been the subject of extensive debate among econometricians.123 Notably, research indicates that ―Shall Issue‖ laws led to an eighty-nine percent drop in multiplevictim (two or more fatality) public shootings.124 However, this finding depends on a narrow definition of such shootings—a definition which excludes shootings that are part of another crime (e.g., a robbery in which the victims are killed) or which are gang-related (e.g., a drive-by shooting).125 Although there is debate on whether there is a statistically significant crime reduction as a result of ―Shall Issue‖ laws, there is unanimity that there is no statistically significant increase in crime caused by the acts of the licensees.126 There is also extensive evidence of particular cases in which licensees have used their permitted handguns to save their own lives, or the lives of other people, or to thwart other serious violent crimes.127 Even if these life-saving acts are not statistically significant, they are immensely significant for the victims and their families. Saving even one life, or thwarting even one other violent crime, is a very good thing. Accordingly, allowing licensed carry on campuses makes sense for the purpose of general reduction in violent crime. Of course if the harms of this crime reduction outweighed the gains, then we would have a different answer, but as detailed in Parts II and V, there is no evidence that selfdefense laws are harmful, including in the campus context. But what about deterring mass killers? It is sometimes claimed that such people are undeterrable because they are mentally ill. Whatever else may be said about the mental states of such killers, most of them have demonstrated their ability to be quite rational and calculating in planning the details of their attack. For example, the murderer at Virginia Tech planned the killing over many months, and among the tools he brought for his murder spree was a heavy chain lock for doors, which significantly increased the time it took for the police to get into the part of the building where the killer was active.128 Likewise, the Columbine murderers planned their crime for at least a year, and successfully executed a plan to use explosives and fire alarms to create confusion among the victims; they also started their attack when the school resource officer was off-campus having lunch—an indication that they preferred not to confront armed resistance.129 It is also important to remember that although some mass killers, such as the ones at Columbine, attack a school because of personal animosity towards students or teachers, other mass killers are adults who have no connection to the school. These would include the thirty-year-old who attacked a second-grade classroom in Winnetka, Illinois in 1988, 130 or the pederast who murdered sixteen kindergarteners and a teacher in Dunblane, Scotland.131 One reason why some adult sociopaths choose to attack schools— schools to which they have no particular connection—is that schools are easy targets. It is not surprising that police stations, hunting-club meetings, NRA offices, and similar locations known to contain armed adults are rarely attacked.

#### Need for speed

Whenever there is a public debate on campus defense against mass murderers, there is almost certain to arise a vast amount of commentary from people who have no expertise with defensive tactics, yet who announce with certitude that campus police or security guards, or police arriving at the campus, will always provide sufficient protection. The view of actual experts is somewhat different. Police Marksman is a professional periodical for police officers that focuses almost entirely on police tactics involving firearms. It presents close analysis of incidents in which officers were attacked by armed assailants, and the tactics that did or did not work in response. Police Marksman also covers topics such as police sniper work in hostage situations, and other issues involving police use of firearms to protect the public. A 2007 issue of the magazine was devoted to the problem of the ―active shooter.‖ Before Columbine, the standard police tactic for dealing with an armed criminal inside a building was to establish a perimeter, and then gradually constrict the perimeter, safely clearing one room at a time.132 That was the tactic used at Columbine, with the result that eleven of the thirteen people who were murdered (including teacher Dave Sanders, who bled to death over the course of several hours) were killed while the police were methodically setting up the perimeter outside.133 Many more people might have been killed if the Columbine perpetrators had not committed suicide. Post-Columbine, police tactics began to change in regards to the ―active shooter‖—the term used by defense experts for Columbine-type attackers. Establishing and constricting the perimeter might be fine in a case where a bank robber is holding hostages inside a building. It is not the right response to the active shooter who is killing one person after another. In the article Rapid Deployment: Version 2.0, police trainer Dick Fairburn details the problem of effective police response to the active shooter. While the active shooter phase of Columbine lasted thirteen minutes, [m]any of the active shooter incidents we examined were over in three to four minutes, much quicker than four officers could be assembled as a rapid deployment team and hope to find and neutralize the shooter. This suggests that the only hope for stopping the shooter and saving lives in most active shooter events, will come from someone who is at the scene when the shooting starts.134 Simply put, by the time the S.W.A.T. team arrives, it will be too late. This means that neutralizing the active shooter will be up to a single School Response Officer (―SRO‖) already stationed at the high school, or the college campus police, or perhaps a nearby patrol officer who quickly arrives at the scene. The Police Marksman article states that sometimes, armed citizens may be the right, and only, response: Lacking an SRO or first arriving officer, the only hope for saving lives may fall to citizens who are on-scene when the attack begins. . . . [A]ctive shooters have been stopped by untrained citizens. In states where concealed carry is legal, the odds of a citizen being equipped to deal with an active shooter are enhanced. The Virginia Tech officials have been criticized for banning concealed weapons permits on their campus. Many universities still refuse to arm their campus police officers. The [Columbine killers‘] generation that wreaked havoc in high schools are now at universities—this is a dangerous time.135 Another article in the same issue observes that ―[t]he sooner someone—anyone—effectively intervenes through an act of courage, the fewer funerals will result. In past incidents, active shooters have been thwarted by police officers, security guards and school teachers.‖136 A police study describes some consistent patterns of active shooters. The report, released by the Force Science Research Center at Minnesota State University-Mankato, observes that the average post-Columbine ―rapid mass murder episode‖ lasts about eight minutes.137 The short time period makes it close to impossible for police to use the preferred tactic of deploying a four-man team, and makes it unlikely that even a two-officer team will be available in time.138 But ―[u]nlike conventional criminal predators, who often have no reluctance about attacking police,‖ active shooters are ―cowardly.‖ Report author Ron Borsch explains: They choose unarmed, defenseless innocents for a reason: They have no wish to encounter someone who can hurt them. They are personally risk- and pain-avoidant. The tracking history of these murderers has proved them to be unlikely to be aggressive with police. If pressed, they are more likely to kill themselves.139 Accordingly, the tactics that make sense in most situations, such as a gun battle with an armed robber or kidnapper trying to escape, are not appropriate for an active shooter. Instead, even a lone officer should ―close in and finish the fight with aggression . . . . The idea is to keep the adversary off-balance by always forcing him to react to your actions, rather than, after contact, reacting to him.‖140 The challenge of a single officer finding the killer in a large building may be complex. But once the killer is located, Borsch explains, officers should understand that ―this bad guy is one of the easiest man-with-gun encounters they will ever have.‖141 Indeed, ―[m]ost officers have already faced worse opponents from a personal safety standpoint . . . .‖142 Or as another article, analyzing the 2007 murders at an Amish schoolhouse in Pennsylvania, suggests, ―[a] running gun-battle at the early stages of an armed invasion is preferable to allowing a murderous predator unrestricted control of the environment.‖143 In short, by far the best response to an active shooter is for someone to start shooting back. If there is a policeman nearby who can start shooting back, wonderful. But if the killer has selected the targeted victims in a way so there is no police officer immediately at the scene, lives will be saved if one or more victims starts shooting back.

#### a2 missed shots- not a problem

But what if someone misses a shot? Well, if we only think about that risk, then the proper response to an active shooter would be to make sure that no police officers ever go to the scene. After all, police officers only hit their targets eight percent of the time,144 or a third of the time,145 or less than twenty percent of the time.146 So the police officer who is shooting at the killer might miss and hit an innocent bystander. Of course, the idea of not calling the police is self-evidently absurd. The tangible risk that the policeman‘s shot might hit an innocent is far outweighed by the enormous danger of allowing the killer to act at will. Moreover, the missed shot rate is not really the point; the miss rate may be high, but the number of misses which hit an innocent bystander, let alone kill him, is much smaller. The data about police accuracy should also be considered in light of the fact that police who engage a target are trained to do so while staying fairly distant—twenty to thirty feet away. For personal self-defense situations, a defensive shot from a civilian is usually fired at distance of shorter than seven feet—a distance from which it is much easier to hit a stationary target. If the victims fire back several shots from a longer distance, it is likely that some would miss the killer, but extremely unlikely that any would kill an innocent person. Even if the latter risk were much greater, that risk is small compared to the risk of allowing the killer to take aimed shots again and again and again. Moreover, if one or more potential victims are firing at an attacker, even if the victims miss, being shot at is, to say the least, very distracting. An attacker who is under fire will have much less freedom to aim his own shots carefully and kill his intended victims. And as the Force Science Institute study explains, active shooters tend to crumble at the first sign of active resistance.147

#### there's crime near colleges

Over twenty percent of college students have been the victim of at least one crime on or near campus.156 Older teenagers and young adults (persons aged sixteen to twenty-four) are victimized by violent crime at a higher rate than any other age group.157 College students are victimized by violent criminals eighty-one percent as often as non-students in the same age group.158 So even though college students are nineteen percent less likely than people in the same age group to be attacked by violent criminals, they are still far more likely to be attacked than are persons in any age group twenty-five or older.159 Accordingly, it appears that college students have a greater general need to be able to defend themselves than do older people. About nine out of ten victimizations of college students take place offcampus.160 This is good news for campuses, and it indicates that college students have a much greater need to be able to protect themselves from violent crime off-campus than they do on-campus. This fact militates against campus policies that significantly interfere with the ability of adult students to protect themselves off-campus; for example, if a college prohibits adult commuter students from leaving firearms locked in their cars, then the students cannot protect themselves when traveling to or from campus. Some states that have laws restricting guns in higher education institutions have a provision to explicitly protect the right of adult students to have firearms in locked cars. Similarly, most states restrict guns at K– 12 schools, and some have exceptions for guns owned by non-student adults and stored in locked, parked cars.161 A well-written automobile exception, either by statute or by campus regulation, should include all automobiles driven onto campus by an adult, especially by an adult with a concealed carry permit. The exception would take care of much of the problem of school administrators interfering with off-campus lawful selfdefense by college students, as well as by university staff, and by K–12 teachers. However, the automobile exception does not address the problem of on-campus violent crimes against students, of which there are over thirty thousand annually162—hardly a trivial number. Nor does an automobile exception fully address the problem of school mass shootings.163 Some reform opponents point out that, depending on the year, the number of victims of mass murders on American campuses is not too far different from the number of students who are killed from football injuries (seventeen football deaths in 2006, thirteen in 2007).164 Mass homicides are not, however, the sole part of the homicide problem on college campuses. From 1991 through 2003, there were at least ten homicides on American college campuses every year, and sometimes as many as twentyfour. 165 Most of these were not mass murders, but more ordinary crimes, such as killing a robbery victim, for example. 166 Besides, the fact that the general violent crime rate on campus is lower than in many other locations, or that the total number of murder victims on campus is no more than several dozen per year (and often less) is hardly a reason not to take steps to reduce the victimization rate. After all, nobody says, ―The death rate from AIDS in our county is lower than in most other counties. Therefore, we should not consider policies which might further reduce the county‘s AIDS rate.

#### Regs CP solves

Some argue that instead of allowing licensed carry on campuses, there should be greater gun control. This is a false dichotomy. There is no rule that prevents a legislature from passing a bill to protect campus carrying and from also passing another bill which increases restrictions on guns or gun owners,if the legislature believes that both bills can help reduce mass murders at schools. Imagine this argument: Gallant: ―Let‘s improve the health of infants. We should repeal the law which prohibits breastfeeding on government property.‖ Goofus: ―That‘s crazy! You are a pro-breast extremist. We should improve infant health by enacting a law to mandate the use of car seats for children.‖172 The obvious fallacy of Goofus‘s argument is that his proposal and Gallant‘s proposal are not mutually exclusive. Likewise, a legislature could re-legalize campus carry (or override administrative bans on campus carry) and make gun control laws more restrictive, such as by making background checks more extensive, or by registering all guns, or by banning particular models of guns. Assuming arguendo that a particular gun control proposal would impose campus safety, nothing prevents a legislature from enacting that gun control law and at the same time relegalizing campus carry. Whether a particular gun control proposal would help save lives on campus would, of course, be subject to debate. However, there is no reason why the desire to have that debate should preclude the enactment of campus carry legislation.

#### Self-defense is effective and people aren't bad shooters

Writer Clayton Cramer is perhaps best known as the scholar who did the most to expose the hoax of Michael Bellesiles, a temporarily awardwinning author whose book Arming America claimed that guns were rare in America until shortly before the Civil War, but whose purported evidence (such as probate records) turned out to have been fabricated.203 Cramer also maintains a ―Civilian Gun Self-Defense Blog‖ which collects media reports of lawful self-defense by persons with firearms.204 The blog does not purport to provide the full picture of armed self-defense, only a fairly thorough collection of the instances which are reported in the media. The blog was created in 2003 and by 2009 had collected 4000 cases. At that point, Cramer tabulated some cumulative data. He found that of the 4000 cases there were six incidents in which a criminal took a gun from the defender. There was one incident of a defender mistakenly shooting at someone (police who were investigating a burglary at an auto dealership started shooting at an employee, and he returned fire). And, while most self-defense incidents occurred in a place where carry permits are not needed (e.g., one‘s home, one‘s own business, or, in some states, one‘s automobile), there were 212 self-defense cases with licensed carry permit holders.205 We know from experience that the millions of Americans who carry licensed handguns almost everywhere in their states are not a nation of klutzes. Accordingly, one must ask whether the millions of Americans who do not act incompetently when the need for armed self-defense arises will somehow turn into dangerous buffoons if the attack takes place on a college campus. To emphasize again, the question involves only persons who are already licensed by the state to carry almost everywhere within the state.

#### Even if people are bad shooters, there's still a net positive in lives saved

An active shooter situation at a school is more complicated. Compared to an ordinary violent crime, there are likely to be many more people in the area. Depending on the particular circumstance, the armed defender might be just a few feet away from the attacker (a distance that is typical for ordinary self-defense situations), or the defender might be on the other side of a large room. But even in the latter situation, the balance of risks favors active selfdefense. Imagine a scenario in which all of the killer‘s victims are either lying on the ground (following the Brady Center‘s advice to ―play dead‖)207 or are running in panic. Nobody is trying to stop the killer; all the victims are following the university rules of ―Don‘t be a hero‖ and ―Never attempt to disarm‖ a violent attacker. For the people on the ground, the killer can inflict a head shot at close range that will very likely be fatal. Hitting a moving target is more difficult. Of course the killer‘s chance of inflicting a fatal or crippling wound on the moving target are much better if he is concentrating on accurate shooting. Now consider a second scenario. This time, someone is shooting back at the killer. It is been said that ―when a man knows he is to be hanged in a fortnight, it concentrates his mind wonderfully.‖208 So does being shot at. It is much more difficult to shoot accurately if someone is shooting at you. If the net result is that attacker and the defender both end up firing a lot of inaccurate shots, the result is likely to be a large net savings of lives. The killer will never have the time for an accurate head shot on a close-range victim, and his chances against the mobile victims will diminish greatly. Maybe a stray shot from the killer will hit someone, but that shot is less likely to be an accurate one which would inflict a fatal or crippling injury. There would be a risk that a third party could be injured by a stray shot from the defender. But the defender would have not been aiming at the third party and trying to kill him, so there is some chance that the stray shot would not inflict a critical injury. Massively degrading the lethal accuracy of a shooter who is intent on mass homicide is likely to save many more lives than might be lost because one or two of the intended victims were fighting back.

#### a2 shoot the wrong person

Some campus police chiefs worry that police officers coming on the scene will not know if the shooter is a legitimate defender, or is the attacker. Identifying the ―kid without a plan‖ would take up police time while they took him into custody. Or he might be mistakenly shot by police.209 These objections, however, do not just apply to campus defense. They are applicable in any case where police come upon a crime scene in which the victim is resisting successfully. Already in most of the United States, concealed permit holders can carry almost everywhere in public. The risk of police confusion or mistake is no greater on a campus than it is anywhere else in a state. After decades of experience with licensed carry around the nation, opponents of licensed carry cannot point to frequent instances of the police harmfully mistaking an armed victim with a carry license for a perpetrator. Indeed, quite apart from citizens having guns for self-defense, police often face situations where they have to make a quick decision about who is the attacker and who is the victim. Encountering a brawl in a bar, a domestic violence incident, or a robbery in which the victim is fighting back, the police may not know immediately who is the perpetrator and who is the victim. The police are specifically trained to deal with such situations, and this training helps them avoid shooting the victims by mistake. Moreover, in a ―Shall Issue‖ state, the legislature has already decided that in almost all public places, the benefits of armed resistance by victims far outweigh the potential risk of a police mistake. If a would-be mass murderer starts trying to kill people at a shopping mall, or a public park, then the ―Shall Issue‖ law makes it entirely possible that by the time the police arrive, one or more victims will have already started shooting back. But the most important fact is that the police are fairly unlikely to encounter the active shooter. In the large majority of active shooter incidents at schools, when the perpetrator hears that the police are close by, he kills himself.210 Not every single active shooter incident ends this way, but the number of cases in which the imminent arrival of the police leads to suicide by the active shooter far outnumber the cases in which the active shooter fights it out with the police.211 So, by the time the police get there, the shooting will probably be over. This will either be because the killer heard the police coming and killed himself, or it will be because somewhat earlier, a victim was able to fight back and the killer was stopped sooner. In case the police burst in on a gun battle in progress, the killer‘s prompt suicide may well end any confusion.

#### CCW licensers are nice and not criminals

Florida permit revocations in 1987–97.245 Most of these listings provide no indication that the person whose permit was revoked had committed any crime with a gun, let alone an ―atrocious act of gun violence.‖246 To the contrary, only thirteen listed offenses include use of a firearm as an element, such as ―adjudication withheld on felony assault with a deadly weapon,‖ ―adjudication withheld on felony aggravated assault with a firearm,‖ or ―convicted of felony possession with intent to distribute cocaine, possession of a firearm during drug trafficking offense.‖ Indeed, for the vast majority of the offenses—such as assault or drug sales—the absence of a firearms count would seem to indicate that a firearm was not used. Likewise, there is no indication that a firearm was used in the many offenses of simple possession of marijuana, passing fraudulent checks, or other non-violent crimes. In short, the Brady Center‘s self-cited data, even if extrapolated nationally, do not come remotely close to supporting its allegation that ―thousands of people with CCW licenses have committed atrocious acts of gun violence.‖247 In the Brady Center policy paper opposing campus carry, Appendix A asserts that a CCW permit ―in no way guarantees public safety. In fact, it can often be a license to kill.‖248 Of course there are no policies that ―guarantee‖ public safety; the question is whether the policy improves public safety. As for the ―license to kill,‖ the Brady Center provides a litany of twenty-nine cases from around the country, 249 presumably the most atrocious ones it could find. Now, if every one of these involved a criminal homicide, these twentynine cases (out of a national CCW licensee population of about five million) would mean that CCW licensees have a criminal homicide rate far below that of the general population. But most of the twenty-nine most atrocious CCW stories that the Brady Center could find do not even involve conduct with a gun that was carried pursuant to a CCW permit. 250 Of those that do, not all of them are exactly the stuff of ―a license to kill.‖ For example, United States Representative John Hostettler forgot to take his handgun out of his bag when going through airport security; he pleaded guilty to a misdemeanor.251 A former judge made the same mistake and also pleaded guilty to a misdemeanor charge.252 In Virginia, a school teacher left a handgun locked in a car while the car was parked on school property; he was charged with violating the Virginia law against firearms on school property.253 And in Pennsylvania, the transportation director for a school district was suspended for several months for, among other charges, what the district described as ―unintentionally bringing a loaded firearm onto school property‖ when he left a handgun in a motorcycle saddlebag.254 The Brady Center lists some cases in which a person was arrested after a shooting, but almost never reports dispositions. The Brady Center thus treats a case that was not prosecuted, because an investigation established that the defendant acted in lawful self-defense, as equivalent to a case of criminal homicide. For example, the Brady Center writes: ―Fort Lauderdale, Florida, January 1, 2006. Rogelio Monero [sic], 49, allegedly shot and killed Victor Manuel Villanueva, 17, during a New Year‘s altercation as Moreno tried to stop a fight between Villanueva and a third party. Moreno was charged with manslaughter.‖ 255 Yet an Austin Examiner phone call to the Fort Lauderdale Police Department revealed that the shooting had been determined to be a justifiable homicide.256 Another Brady Center story: Vancouver, WA, October 3, 2006. Jon W. Loveless, unemployed for ten years, daily marijuana smoker, and father of two children—said that he shot ―until my gun was empty‖ at Kenneth Eichorn [sic, Eichhorn], because Eichorn [sic] had ―a weird look‖ on his face. Loveless also claimed that Eichorn [sic] held a handgun, but the Eichorn [sic] family disputes the claim. Loveless was charged with one count of second-degree murder. Missing from the Brady account is the conclusion to the story, which was reported October 5, 2006, in the same newspaper that the Brady Center had cited: Jon W. Loveless was exonerated Thursday on charges of second-degree murder and was to be released from the Clark County Jail. . . . On Wednesday, [Senior Deputy Prosecutor] Fairgrieve indicated he had yet to see evidence that would support a second-degree murder charge. He said the standards police use to arrest a suspect are lower than what prosecutors use to file charges, and by law charges against a person in custody must be filed within 72 hours of the suspect‘s first court appearance.257 The Brady Center monograph reports four cases of gun accidents, two of them fatal. As for criminal homicides by people who actually had CCW permits (not people whose permits had earlier been revoked, although the Brady Center lists these), there is only one that was committed in a public place (where the permit would even be relevant), and one more that was committed at home. There are three other cases of misusing a gun against another person (making an improper threat, or carrying it while impersonating a police officer, and a robbery perpetrated by a police officer‘s wife).258 Are CCW permittees perfect? No, but they are much more lawabiding than the general population, as the government data indicate. Indeed, ―[e]ven off-duty police officers in Florida were convicted of violent crimes at a higher rate than permit-holders.‖259 So, should off-duty police be allowed to carry concealed firearms when on school property? If the answer is ―No, because they might commit a violent crime against a teacher or student,‖ then one could, with logical consistency, also oppose campus carry by CCW licensees (although the fear of licensees would have a weaker empirical basis than the fear of off-duty police). On the other hand, if one thinks that the potential anti-crime benefit of allowing off-duty police to carry on campuses outweighs the (miniscule) risk that an off-duty officer might commit a crime, then one would have even less reason to be afraid of a CCW licensee.

#### a2 free speech advantage

―No matter how hard you try, someone is going to see that concealed weapon,‖ claims Jim Spice, campus police chief at the University of Colorado at Colorado Springs. Then, ―[t]hey no longer feel free to express whatever thought, whatever topic they happen to be debating at the time.‖295 Yet, if one drives just a few hours north on Interstate 25 to Colorado State University, where licensed carry is allowed in classrooms, there has been no evidence of any diminution of academic freedom. Nor are there reports of any impairment of academic freedom at the nine public colleges and universities in Utah, at the three Blue Ridge campuses in Virginia, or in Israel, Thailand, or Norway. The only reported conflicts between campus carry and academic freedom involve people being persecuted for simply expressing support for the idea of campus carry. For example, Hamline University suspended student Troy Scheffler and ordered him to have a mental health evaluation because, after Virginia Tech, he wrote the administration an e-mail criticizing the school‘s policy against licensed guns on campus. The freespeech academic group Foundation for Individual Rights in Education (―FIRE‖) took up this case.296 Another example: in October 2008, at Central Connecticut State University, John Wahlberg and two classmates made a presentation in Professor Paula Anderson‘s communication class. Assigned to discuss a ―relevant issue in the media,‖ the three students argued that fewer people at Virginia Tech would have died if the victims were armed.297 Professor Anderson reported Wahlberg to the police, who summoned him to the police station that night. After interrogating him about where he keeps his registered firearms (in a safe in his home twenty miles off-campus), the police let him go. Robert Shibley, vice president of FIRE, said, ―If you go after students for just discussing an idea, that goes against everything a university is supposed to stand for.‖298 After the Columbine murders in 1999, a public school superintendent in Ohio was forced to resign because he had suggested that Columbinestyle massacres might be avoided if teachers were allowed to posses arms. He even had to fight off efforts to strip him of his earned pension, because of the claim that his public expression of an idea constituted gross professional misconduct.299

## Aff

### Rule of Law

#### Guns promote a culture of vigilantism that undermines rule of law

DebraBrander 15 [Firmen Debrabrander (professor of philosophy at the Maryland Institute College of Art and the author of the forthcoming book Do Guns Make Us Free?), "How Gun Rights Harm the Rule of Law," The Atlantic, 4/1/2015, http://www.theatlantic.com/politics/archive/2015/04/how-gun-rights-harm-the-rule-of-law/389288/] AZ

In pushing this agenda, the gun-rights movement mistakenly urges supporters to think that public order rests upon overt shows of force. In a democracy, however, peace is founded on rule of law. Rule of law is essential for maintaining the peace in civil society. It is also an act of faith: People presume and trust that everyone else around them will act lawfully and safely. For example, I must presume that the driver in front of me will obey the laws of the road; I must also presume that he will not, Mad Max-style, swerve around to aim a rifle at me and start firing. If people know others around them are armed, they may grow suspicious of each other, restrict their dealings with one another, or, in some circumstances, not deal with them at all. An over-armed society is a recipe for widespread mistrust and suspicion, with dire consequences for the vibrancy of civil society. Gun-rights advocates typically consider themselves staunch conservatives. But it is worth reminding them that it is a bedrock principle of conservatism that a free society requires strong rule of law and that citizens must do all they can to ensure it and strengthen it. Milton Friedman argued that the duties and reach of government extend no further than articulating the law, making sure it is heeded, adjudicating differences between citizens, and prosecuting offenses against them. Beyond that, Friedman affirms, government should let the law and market do its work, with the compliance of free and rational citizens. Rule of law can even help prevent government overreach. The conservative English political theorist Michael Oakeshott understood that rule of law is essential to realizing the conservative goal of small government. “[Government] by rule of law … is itself the emblem of that diffusion of power which it exists to promote,” he claimed, “and is therefore peculiarly appropriate to a free society. It is a method of government most economical in the use of power; it … leaves no room for arbitrariness; it encourages a tradition of resistance to the growth of dangerous concentrations of power which is far more effective than any promiscuous onslaught however crushing; it controls effectively without breaking the grand affirmative flow of things; and it gives a practical definition of the kind of limited but necessary service a society may expect from its government, restraining us from vain and dangerous expectations.” But this clashes with gun-rights advocates’ worldview. They imagine some kind of libertarian paradise where government retreats—where law remains widely acknowledged and respected—and individual gun owners are free to enforce the law if and when they deem it necessary. But Oakeshott understands that an armed and potentially violent public only goads the government into action and force. Law enforcement knows that gun owners may use their weapons recklessly, and prepares itself accordingly. Oakeshott’s strongest point is that an over-armed society makes government bigger, more intrusive, and more aggressive in carrying out its vested duty of maintaining order. It goads government, and the law enforcement officials who work for it, towards arbitrary shows of power and force. In this way, too, the gun rights movement makes its wishes and warnings come true. The NRA says citizens must be armed to combat government tyranny. But an over-armed society ensures that government will be anything but restrained.

### Frontierism

#### guns = native oppression

Holding the Indigenous Voice Hostage] AZ

It is a point well documented in American history, and well remembered, that the firearm has been a favorite tool wielded by Euroamericans to subdue, colonize, and silence Native Americans since the two groups first met. Anyone exercising a modicum of intellect can easily compile their own mental count of past atrocities by racist-minded, gun-toting Euroamericans against America's Indigenous peoples. Some incidents that come to mind are obvious ones: the removal of southeastern tribes westward or the Diné's Long Walk eastward, both the nineteenth- and the twentieth-century Wounded Knee episodes, Bacon's Rebellion, Prophetstown, Horseshoe Bend, the killing fields of California, Sand Creek, the Washita, the murders of Crazy Horse and Sitting Bull, and so on. But be cautious of cataloguing such injustices or you are bound to send your blood pressure shooting skyward. Beyond divesting Native Americans of their lands, such nefarious behavior was also intended to silence their voices. And as reprehensible as these past atrocities were (and still are), what is as morally objectionable today (and what many may not realize) is that even in the outer rings of academia the firearm remains an instrument of colonization by white power elites that keeps the Native American voice silent; and that alone is disturbing. Where in academia is the gun still put to such troubling use? At institutions masquerading as centers of academic worth and legitimacy known as gun museums. Even in the twenty-first century, following decades of social, subaltern, and revisionist study, gun museums remain intellectual back eddies where certain segments of society intentionally and emphatically silence Indigenous voices. How? Why? Typically, an "establishment" of administrators and powerful "gun nuts" (most often wealthy white men who have graduated from baseball cards and marbles to something with greater phallic meaning and masculine worth) sit on gun museum advisory boards and control the museum's message to the public. They stand as sentries guarding the gate to this corner of academia and are emphatic about protecting their Anglo-centric version of the past. This is especially the case at the nation's leading Western gun museum, which is part of one of the better-known Western history centers. A recent job interview experience I had at that institution revealed much about how the wealthy white elite brazenly dictate the scope of that institution and shamelessly seek to keep silent the Indigenous voice. Let me first state that there are other museum branches at this institution worth visiting, and their curators strive to "serve the public by advancing knowledge about the American West." The general consensus of many, however, is that the gun museum portion is this particular institution's stepchild. It does not "advance" understanding about the West or the gun's role in its history, nor does it offer any interpretation as the institution's mission statement professes. It is a museum that promotes a racist agenda because it plainly denies the American Indian perspective. This is because it is set up and dictated by wealthy white elites who fear that interpreting the firearm differently would allow the voices of others to be attached to the gun, and they do not want to hear what might be said. They would prefer that such voices remain marginal, or better, nonexistent. With a quick stroll through the gun museum's labyrinth of firearms one quickly realizes that one is caught in an anachronistic and Anglo-centric shrine to the epic progress of conquest and colonization with the gun as the chief instrument that "won the West." Of course, there is never any hint about from whom the West was "won" or how. And though such twaddle has long gone the fated way of the dodo, at least to those who know better, any views to the contrary are staunchly resisted by this powerful "gun nut" establishment. They seem intent on making this museum a last stand for the white man's mythic West, and they are dug in deep. This means that this museum is firmly grounded in the deficient and racist versions of the past. The end result is an acute...

### Race

#### US whites oppose gun reform more than other racial groups, due to symbolic racism.

O'Brien et al 13 [Kerry O’Brien et al, Wake Forest University, “Racism, Gun Ownership and Gun Control: Biased Attitudes in US Whites May Influence Policy Decisions,” PLoS ONEVol. 8, October 31, 2013.]

Notwithstanding these limitations, the results indicate that symbolic racism is associated with gun-related attitudes and behaviours in US whites. The statistics on firearm-related suicides and homicides in the US might reasonably be expected to convince US citizens that action on reduc- ing gun ownership and use would be beneficial to their health. Yet, US whites oppose strong gun reform more than all other racial groups, despite a much greater likelihood that whites will kill themselves with their guns (suicide). than be killed by someone else [1]. Black-on-black homi- cide rates would benefit most from gun reform, and, quite logically, blacks support these reforms even if whites do not [3], [47]. Symbolic racism appears to play a role in explaining gun owner- ship and paradoxical attitudes to gun control in US whites. In other words, despite certain policy changes potentially benefitting whites, anti-black prejudice leads people to oppose their imple- mentation. This finding is consistent with previous research showing that symbolic racism is associated with opposition to US policies that may benefit blacks, and support for policies that dis- advantage blacks, and critically, goes beyond what is explained by other important confounders.

#### Opposition to gun control is grounded in white racial resentment

Filindra 15 [Alexandra Filindra (Assistant Professor, Department of Political Science, University of Illinois at Chicago), Noah J. Kaplan, "Racial Resentment and Whites’ Gun Policy Preferences in Contemporary America" 11/5/2015] AZ

Our study investigates how and why racial prejudice can fuel white opposition to gun restrictions. Drawing on research across disciplines, we suggest that the language of individual freedom used by the gun rights movement utilizes the same racially meaningful tropes as the rhetoric of the white resistance to black civil rights that developed after WWII and into the 1970s. This indicates that the gun rights narrative is color-coded and evocative of racial resentment. To determine whether racial prejudice depresses white support for gun control, we designed a priming experiment which exposed respondents to pictures of blacks and whites drawn from the IAT. Results show that exposure to the prime suppressed support for gun control compared to the control, conditional upon a respondent’s level of racial resentment. Analyses of ANES data (2004–2013) reaffirm these findings. Racial resentment is a statistically significant and substantively important predictor of white opposition to gun control.

#### 2

Filindra 15 [Alexandra Filindra (Assistant Professor, Department of Political Science, University of Illinois at Chicago), Noah J. Kaplan, "Racial Resentment and Whites’ Gun Policy Preferences in Contemporary America" 11/5/2015] AZ

Do racial predispositions influence the gun policy preferences of white Americans? Despite a substantial racial divide in gun control attitudes, with a much larger proportion of whites than blacks opposing gun control measures (Pew Research Center 2013), this question has received scant attention from scholars of racial prejudice. Only two studies have sought to link prejudice to gun policy attitudes. Both studies tested whether racial attitudes, theorized as responses to fear of racialized crime, influenced whites’ gun policy attitudes. Kleck (1996) produced null results and O’Brien et al. (2013) reported mixed results suggesting that racialized fear of victimization may not be a strong predictor of white gun policy attitudes. With the theory of racial resentment as our starting point, we revisit the relationship between white gun policy preferences and racial prejudice. We develop a systematic yet historically situated explanation (Mahoney 2000; Pierson 2004) for why a substantial portion of whites oppose further gun restrictions. According to historians, opponents of the civil rights movement used the language of rights and equality to defeat anti-discrimination laws and affirmative action (Self 2003; Sugrue 1995; Hosang 2010). This discourse became central to the politics of resentment of the 1960s and 1970s and formed the basis for a new expression of racial prejudice known as ‘‘racial resentment.’’ As a result, the language of equality and rights has acquired racialized meanings for a portion of the white population. We argue that the contemporary debate over guns reflects the temporal and strategic confluence between the narrative of racial resentment (Kinder and Sanders 1996; Kinder and Sears 1981) and the narrative of the gun rights movement which developed in the 1970s. We suggest that the adoption of this language by the gun rights movement helped ensure that racial prejudice colors whites’ gun policy attitudes. Our hypothesis that racial predispositions are a key factor that shapes gun policy attitudes is supported by the results of a survey priming experiment and extensive analyses of multiple waves of the ANES. Our work offers a new explanation for the relationship between racial prejudice and gun policy preferences, and we make significant methodological and empirical contributions to the literature. Methodologically, we develop and implement a priming experiment to scrutinize the relevant causal link. Empirically, we expand upon the measures of gun control attitudes and the period of time analyzed using cross-sectional and panel analyses.

#### Gun rights are an expression of white supremacy – rigorous studies verify the connection between privilege and guns

Filindra 15 [Alexandra Filindra (Assistant Professor, Department of Political Science, University of Illinois at Chicago), Noah J. Kaplan, "Racial Resentment and Whites’ Gun Policy Preferences in Contemporary America" 11/5/2015] AZ

Understanding the relationship between racial resentment and gun policy attitudes requires a brief discussion of the politics of resentment and the emergence of racial resentment as a dominant expression of prejudice. By racial resentment, we mean an expression of prejudice that rests on elevating individual rights and traditional values associated with individualism to an ideal status, and castigates blacks as lacking in those values not because of innate characteristics but as a result of a political choice to push for ‘‘special’’ rights from the state (Kinder and Sanders 1996; Sears and Henry 2003). Such beliefs emphasize whites’ alleged moral superiority and ignore the structural advantages of whiteness. Racial resentment highlights the perceived failure of blacks (but not whites) to live by traditional values of individualism, independence, and hard work. Blacks are viewed as people who depend on government for ‘‘special’’ rights and because of that they constitute a ‘‘moral threat’’ (Kinder and Sanders 1996, 108). This moral threat transcends the individual level and rises to the political because blacks as a group are perceived as willing to trade individual liberty and ‘‘equal rights’’ for group benefits. Although not all whites express feelings of racial resentment, this form of prejudice is more socially acceptable than ‘‘old style’’ forms of prejudice rooted in biological racism that endorse social distance and stereotypes (Sears et al. 2000; Kinder and Sanders 1996; Schuman et al. 1997). Studies show high levels of racial resentment among whites persisting over time (Tuch and Hughes 2011). The emergence of racial resentment as a dominant form of prejudice is historically contingent. Supporters of racial exclusion have marshalled liberal tropes such as individual rights and the idea of a social contract in support of policies that explicitly or implicitly contradicted these very same liberal values (Stears 2007; King 1999; Dudas 2005). According to Lipset and Raab, classical liberal ideals such as rights and equality have been appropriated to form ‘‘the substance of extremist threats to [American] democratic life’’ (Lipset and Raab 1970, 30). The modern day politics of resentment has its roots in the post-WWII era. As a fledgling civil rights movement sought to desegregate schools and neighborhoods and end discriminatory employment practices in the public and private sectors, white segregationists responded with violence (Klarman 1994). At the same time as ‘‘massive resistance’’ took place in the South, in other parts of the country white reactionaries developed new arguments in defense of white privilege. Historians have demonstrated that white movements strategically used the language of classical liberalism to create juxtapositions between two types of rights: race-neutral rights assigned to a specific virtuous category of citizens and ‘‘special rights’’ associated with racial and ethnic groups (Hosang 2010; Self 2003; Sugrue 1995). Examples of this juxtaposition include ‘‘homeowner rights’’ used in defense of residential segregation, ‘‘taxpayer rights’’ marshalled against welfare programs and affirmative action, or ‘‘victims’’ rights employed in support of punitive criminal justice policies. In each case, the trope of ‘‘rights’’ was used in defense of white privilege. White movements viewed government protections against systematic private discrimination as state-sanctioned, preferential treatment that elevated the status of blacks at the expense of whites. These ‘‘special rights’’ were described as unAmerican and a threat to traditional values of individual merit and equality of opportunity. Dudas argues that ‘‘stigmatizing egalitarian politics as subversive and validating defenses of hierarchy as patriotic, activists’ rights talk inflate[d] their resentment; it convince[d] them that their opposition [was] necessary for protecting the American way of life…Special rights talk simultaneously legitimize[d] and motivate[d] opposition to egalitarian social change’’ (Dudas 2005, 725). The emergence of the gun rights movement in the 1970s needs to be situated in this historical and political context. Through the 1960s, access to most types of guns was unfettered by federal regulation and despite state and local gun control laws, whites had easy access to firearms (Cottrol and Diamond 1995). In the late 1960s, states responding to the rising political unrest and riots that followed the Civil Rights Movement instituted a variety of gun restrictions. Threatened whites perceived urban violence as either evidence of innate black criminality or as organized and politically motivated (Thernstrom and Thernstrom 1999, 170–171). In 1967, in the wake of the mobilization of the Black Panthers, California passed the Mulford Act which restricted citizens’ ability to carry guns in public spaces (Winkler 2011a). In 1968, Congress introduced national restrictions to gun sales and ownership. Gun laws were tightened again in the early 1990s (e.g., background checks, assault weapons ban, waiting periods). Through the 1960s, organizations such as the NRA supported gun control laws (Winkler 2011a). However, following a leadership change in 1977, the NRA developed an extreme gun rights position which it defended with a narrative about ‘‘(inalienable) gun rights’’ afforded to the ‘‘law abiding citizen.’’ Gun activists allied themselves with the leadership of the ‘‘New Right’’ movement which had emerged out of the white resistance movements of the 1950s–1960s and the George Wallace political organization (Siegel 2008), and adopted the language of rights and equality to justify an uncompromising gun rights position. By the 1990s, the dominant gun narrative presented guns not as tools and sporting equipment as it was the case in the 1950 and 1960s (Burbick 2006), but as symbols and instruments of liberty (Melzer 2009; Winkler 2011a). The new narrative was modelled on other seemingly race-neutral rights discourses of the time and played on the same tropes used by prior white movements. Gun owners were cast ‘‘as freedom fighters bravely defending all individual rights and freedoms’’ (Melzer 2009, 65), while firearms and marksmanship signify ‘‘morality’’ and ‘‘good citizenship’’ (Cooper 2001). Guns are ‘‘emblem[s] of responsibility, self-sufficiency, personal independence’’ (Heston 2000, 46). In labeling as ‘‘enemies of freedom’’ the groups (e.g., minorities and supporters of the rights of the accused) that sought state protection from violence through gun control, the gun rights narrative created yet another juxtaposition of ‘‘equal’’ and ‘‘special’’ rights and became consonant with the themes that undergird racial resentment. Similarly, juxtapositions of ‘‘law abiding citizens’’ and ‘‘criminals’’ were evocative of racialized themes as crime has long been associated with blacks in the white mind (e.g., Mendelberg 2001; Peffley and Hurwitz 2010; Schaller et al. 2003). As a result of the racialization of the ‘‘rights’’ trope in the post-WWII era, modern day prejudiced whites tend to gravitate toward policy positions presented in race-neutral ‘‘rights’’ terms because these positions are implicitly perceived as advantaging whites. The saturation of the gun advocacy narrative with this language coupled with the specific juxtaposition between ‘‘law abiding citizens’’ and ‘‘criminals,’’ have ensured that prejudiced whites are more likely to support gun ‘‘rights’’ –a position consistent with perceived defense of white privilege- and oppose gun control.

#### Weak gun control is racit

Filindra 15 [Alexandra Filindra (Assistant Professor, Department of Political Science, University of Illinois at Chicago), Noah J. Kaplan, "Racial Resentment and Whites’ Gun Policy Preferences in Contemporary America" 11/5/2015] AZ

This study attempts to make a number of substantive contributions to the literature. At its most basic, we demonstrate that racial prejudice influences white opinion regarding gun regulation in the contemporary United States. Our analysis suggests that scholars need to expand the set of issues considered racialized to include gun policy. Perhaps most importantly, we provide a causal story that explains the origins of the relationship between racial resentment and classical liberal narratives about rights and freedom, such as the gun rights discourse. This story emphasizes the plasticity of racialized boundaries and how historically contingent moments provide opportunities to (re)shape racial associations and meanings. To be clear, the emergence of a rights narrative as part of a white lexicon of resistance to black (and even low class white) civil rights dates back to earlier eras (King 1999; Scalia 1998). However, the post-WWII era opened up the opportunity for this narrative to form the basis for the discourse of a number of illiberal white movements. During these earlier periods, we expect that there was widespread white support of gun regulations, especially restrictions of gun ownership targeting blacks. The legislative record up through the early 20th century strongly suggests that whites sought to keep firearms from the hands of blacks (Cottrol and Diamond 1995). We argue that the post-WWII era and the civil rights movement represent critical junctures when prejudiced whites started to shift away from supporting gun control as a result of the institutional and cultural changes of the era. Indeed, we strongly suspect that such a change in gun policy attitudes among whites was possible because guns have been a marker of white privilege throughout American history. This theory has implications for how messages about gun control are communicated. For the past two decades the strategy of ‘‘gun control’’ advocates has been to focus on the rational public health benefits of additional gun regulations. In contrast, the messages propagated by ‘‘gun rights’’ advocates utilize the language and symbolism of rights along with the political and judicial tactics of the civil rights era to link gun ownership to traditional values and anti-black prejudice. Though the public debate on the issue of gun regulation reflects a two-sided information flow, the data indicate that over the past two decades public support for gun control has declined and has done so among whites in particular. A variety of factors may have contributed to this decline; however, it appears that the cost/benefit arguments and statistics used by ‘‘gun control’’ advocates have been no match for the emotional and persuasive power of gun rights messaging which invokes the white, gun-carrying every-person who defends home and Democracy against (nonwhite) bad guys. We believe that racial prejudice colors all aspects of the debate regarding gun policy, including crime and its representations, and the role of government in society. Reshaping the gun regulation debate requires a deeper understanding of the relationships among racial prejudice, partisan politics, and the foundational but unconscious emotional role that guns play for a significant portion of the white population in America.

### Elections

#### Gun control wins the election

**Leber 1/14**/16 – New Republic (Rebecca, “Gun Control Can Swing the 2016 Election”, https://newrepublic.com/article/127473/gun-control-can-swing-2016-election)

Gun violence was always going to play a bigger role in 2016 than it has in any election in recent memory simply because of its sheer, in-your-face relevance: The nation can’t seem to go a week without a horrific shooting. But now that President Obama has taken action to bolster background checks and come out swinging against the National Rifle Association, joined by the leading Democratic presidential contenders, gun control has the potential to be the deciding issue of 2016. And it’s Democrats, for a change, who stand to benefit. For two decades now, the conventional wisdom in Washington has been that any focus on gun control helps Republicans and hurts (if not dooms) Democrats, not just in presidential races but down the ballot in all but the bluest states. Fear of the wrath—and deep campaign coffers—of the NRA has led Democrats to make often-ridiculous displays of their love for hunting, and to avoid running on policy prescriptions for gun violence. This defensive stance first took hold after the 1994 midterms, when an assault-rifle ban pushed by President Bill Clinton was blamed for Republicans’ winning majorities in both houses of Congress. In 2000, Al Gore’s loss in his home state of Tennessee, which made Florida the pivotal state that cost him the presidency, was also attributed to his support for gun control. Noam Scheiber reported for the New Republic in 2001 that Gore’s team of advisers had worried that “gun control would hurt the vice president in the states he needed most,” particularly among rural voters in Pennsylvania, western Ohio, Michigan, Wisconsin, and Iowa. “After the election,” Scheiber wrote, “the Gore campaign’s hunch became Democratic gospel.” President Obama treaded carefully on the issue in his first run for office in 2008, calling (with little detail or emphasis) for “common-sense reforms.” His position on guns, he often said on the campaign trail, was not “an excuse not to vote for me.” During his first term, the Democrats’ fear of the gun lobby still prevailed; after his first year, in fact, the Brady Center to Prevent Gun Violence gave Obama seven out of seven F’s on a report card for repeatedly failing to stand up to the gun lobby. After he won re-election in 2012—with no more campaigns to run—Obama began to change his tune, a process that culminated in last week’s executive actions to broaden background checks and expand enforcement of gun laws. At a CNN town hall on gun violence that followed later in the week, Obama went after the gun lobby directly, calling out the NRA for skipping the event: “Since this is a main reason they exist, you’d think that they’d be prepared to have a debate with the president,” he said, archly. Later, he called the group’s views on gun confiscation a “conspiracy.” By making such a forceful push on gun control right at the beginning of the election year, Obama has opened up new political (and rhetorical) space for the Democrats who are running this year to find their voices on gun control. Frontrunner Hillary Clinton is clear she will take a forceful stance against the NRA and those who oppose any gun control. “What is wrong with us, that we cannot stand up to the NRA and the gun lobby, and the gun manufacturers they represent?” she said after an October shooting in Oregon. The shift in focus has made her leading contender Bernie Sanders more uncomfortable, with his spotty voter record trailing behind him. He’s much less forceful on the subject of the NRA, even if he hasn’t exactly been the group’s staunchest ally. “I have a D-minus , D-minus voting record from the NRA,” the Vermont senator said on MSNBC this week. In October, Clinton released a plan detailing the executive actions and legislation she’d sign as president. She gained the upper hand in the last few weeks as gun-control groups like the Brady Campaign have endorsed her, crediting her for making “gun violence prevention a centerpiece of her campaign.” Sanders was quick to back Obama’s executive actions last week as well. Like Clinton, he’s promised to support policies beyond expanded background checks. Clinton has released the more detailed plan, which includes banning assault weapons, blocking domestic abusers from accessing guns, criminalizing straw purchases, strengthening inspections of gun dealers, and repealing a law that shields gun manufacturers from lawsuits. With weeks to go before the first primaries, Clinton has been drawing out the differences between her and Sanders’s voting record. Her focus this week has turned to a controversial 2005 vote in which Sanders backed an NRA bill to protect firearms manufacturers from lawsuits. Sanders has not reversed himself, only telling news outlets he considers Clinton’s attacks to be “mean-spirited” and “inaccurate.” Sanders’s apostacies aside, the very fact that one of the hottest debates between the leading Democratic candidates is over which is the most consistent on gun control shows how much the politics of the issue have evolved. Sanders’s chief strategist insists the candidates largely agree on most issues, and “going forward there are not big differences” between the Vermont senator and Clinton. And judging from Sanders’s more recent voting record on guns, that may very well be true. But then we’re left with a question: Can the country elect a Democratic candidate who won’t run away from the gun lobby? The answer is yes. Democrats can not only survive a head-on battle with the NRA in 2016, but guns can help them win this election. With or without Obama and Clinton’s embrace, the left was raring to fight the NRA in 2016. The rise of gun-control groups, including Michael Bloomberg’s Everytown for Gun Safety and former Representative Gabrielle Giffords’s Americans for Responsible Solutions will translate into millions more in pro-gun-control spending in battleground states. The NRA is gearing up for its own unprecedented campaign, too. The group’s legislative director, Chris Cox, said last fall the NRA wants to raise up to $75 million for the 2016 race, nearly doubling the $40 million it spent in 2008. Democrats know they can win at least one argument: universal background checks, which are the core of both Clinton’s and Sanders’s proposals for better gun laws. As the graphic below shows, strong majorities in all the major 2016 swing states support universal background checks, according to Public Policy Polling. Background checks and not risk losing the swing states—which are characterized by divides between rural voters, who tend to be wary of gun control, and urban voters, who want more restrictions on guns. Not all gun-control issues are equal in the electorate’s view, after all, and proposals like banning assault weapons would certainly prove more divisive than background checks. But a variety of factors suggest that a Democrat can win the White House by going further—beyond defending Obama’s actions, and laws that were already on the books—to energize the party’s base. Clinton or Sanders will have less to lose than ever in angering aging male, white, blue-collar voters over guns; a few of those voters might still register Democratic, but they haven’t voted that way in a long time, especially in national elections. What the Democrats need in 2016 is to rekindle the Obama coalition of more diverse, younger, urban voters, which make up the the growing base of the party—and these are the voters who tend to be open to gun-control arguments. According to Pew, for instance, 60 percent of urban voters are likely to support gun control more than the right to gun ownership, compared to 35 percent of rural voters. A majority of women support it as well (compared to less than half of men). In the same survey, 72 and 75 percent of African Americans and Hispanics offer general support for limits on guns.

### Solves Crime

#### Aff reduces homicide rates – Chicago proves

Fox 10 [James Alan Fox (Lipman Family Professor of Criminology, Law and Public Policy at Northeastern University and joined in an amicus brief in McDonald v. Chicago), "What Chicago Achieved," NY Times, 3/2/2010] AZ

However, a closer examination of the crime trends shows that the surge in homicides largely involved criminals targeted by other criminals, reflecting the crack-related gang wars that had exploded in Chicago as in cities across America. By contrast, homicides occurring in residential settings declined, especially those involving family members as perpetrators. While Chicago residents, particularly those living in high crime neighborhoods, might feel the need to protect themselves with guns, the fact is, guns purchased and kept in the bedside drawer for defensive purposes are all too often used instead to settle a domestic dispute. The Chicago handgun ban directly addresses this peril of private handgun ownership. In preparing an amicus brief in support of the handgun ban, I analyzed detailed homicide data for Chicago and dozens of other America cities, adjusted not only for population size but also for each municipality’s demographic and socio-economic profile. My analysis of the Chicago data found that, compared with other cities, the handgun ban had lowered the rate of gun homicide. In fact, over the past 25 years, there were an estimated 800 to 1,000 fewer murders in Chicago because of the handgun ban. Whatever the outcome of the ongoing legal challenge, the public debate over whether gun ownership increases or decreases the risk of violence may never be settled. In the meantime, let’s hope Chicago will be permitted to maintain its ban on handgun ownership, saving dozens of lives annually for many years to come.

#### Handguns don't deter crime

VPC 2k ["Unsafe in Any Hands: Why America Needs to Ban Handguns," Violence Policy Center, 2000 http://www.vpc.org/studies/unsafe.htm] AZ

The mythology woven around the handgun by the gun lobby clouds the reality that a handgun is a consumer product that ought to be judged and regulated by the same standards applied to all other products. However, the firearms industry is exempt from basic federal consumer product health and safety regulation. Aside from the issuance of pro forma licenses for gun manufacturers and dealers, no federal agency has the authority to review the firearm industry's products in terms of their relative costs and benefits.22 Using this cost/benefit standard, two reasonable and essential questions need to be posed about the handgun— Is it innately dangerous to the user or to anyone else? What does its use cost society in human and monetary terms in contrast to its beneficial applications? Indeed, by making a simple comparison between the costs of civilian handgun ownership versus the benefits these weapons are purported to deliver, the case for banning handguns becomes self-evident. For example, for every time in 1997 that a civilian used a handgun to kill in self-defense, 43 people lost their lives in handgun homicides alone.23 This passes any point of rational justification for condoning the existence of such a product on the open market, especially in an unregulated state. Through the use of dubious methodologies, the National Rifle Association and other pro-gun advocates have created wildly inflated numbers supposedly showing handguns to be an effective means of self defense.24 This claim is false. Although handguns are marketed primarily for their self-defense value, bringing one into the home has exactly the opposite effect, placing residents at a much higher rate of risk. A person living in a home with a gun is three times more likely to die by homicide25 and five times more likely to die by suicide.26 Data from 1997 buttress the point that self-defense handgun uses are rare. In that year there was— A total of 15,690 homicides. Of these, 8,503 (54.2 percent) were committed with handguns, contrasted to 2,207 involving all other types of firearms (14.1 percent). Among handgun homicides, only 193 (2.3 percent) were classified as justifiable homicides by civilians.27 For decades handguns have been marketed and purchased as the strongest bulwark a law-abiding citizen could have against a legion of dangerous strangers. However, of the 8,503 handgun homicides in 1997, only 110 (1.3 percent) were justifiable killings of an assailant previously unknown to the person using a handgun.28 Instances in which a person uses a handgun in self-defense against an unknown attacker do occur, but compared against the total universe of gun crime and violence, they are extremely rare. Handguns are employed extensively in violent crimes such as assaults and robberies. In 1993 there were about 1.3 million such crimes committed with a firearm29—and 86 percent of the time the weapon was a handgun. Conversely, an analysis of four years of National Crime Victimization Survey (NCVS) data indicated that gun owners claim to defend themselves with a firearm of any type approximately 65,000 times in an average year—a minute percentage compared to the total figure for violent crime.30 Contrary to the National Rifle Association's standard portrayal of gun violence, most gun deaths do not take place during the course of felony crime.31 Considering what the FBI has been reporting year in and year out—that most homicides result from arguments between people who know each other32—it is clear that a handgun purchased for self-protection poses the gravest danger to the very person it is supposed to protect.

#### Buyback program gets guns back

VPC 2k ["Unsafe in Any Hands: Why America Needs to Ban Handguns," Violence Policy Center, 2000 http://www.vpc.org/studies/unsafe.htm] AZ

If a handgun ban were enacted, what should be done about the existing supply of some 65 million civilian-owned handguns? Could the nation afford to eliminate them through a program? Since many handguns began as cheap "junk guns," a generous estimate of the average buy-back price would be $250. The total tab would be about $16.25 billion, which is slightly more than three SSN-21 nuclear attack submarines.44 Considering that by conservative estimates America spends $4 billion annually on medical care for gun violence victims, the cost of a buy-back could be recouped in a few years. A clear-cut plan to ban handguns should be developed and implemented soon. Considering the many thousands who are killed or maimed by the handgun each year, how much more motivation do we need?

#### Solves suicide rates

Andres 10 [Antonio Rodriguez Andres (professor of economics at la Universidad Camilo José Cela), Katherine Hempstead, "Gun control and suicide: The impact of state firearm regulations in the United States, 1995-2004"] AZ

Objective: To empirically assess the impact of firearm regulation on male suicides. Method: A negative binomial regression model was applied by using a panel of state level data for the years 1995 2004. The model was used to identify the association between several firearm regulations and male suicide rates. Results: Our empirical analysis suggest that firearms regulations which function to reduce overall gun availability have a significant deterrent effect on male suicide, while regulations that seek to prohibit high risk individuals from owning firearms have a lesser effect. Conclusions: Restricting access to lethal means has been identified as an effective approach to suicide prevention, and firearms regulations are one way to reduce gun availability. The analysis suggests that gun control measures such as permit and licensing requirements have a negative effect on suicide rates among males. Since there is considerable heterogeneity among states with regard to gun control, these results suggest that there are opportunities for many states to reduce suicide by expanding their firearms regulations.

### A2 Const NC

#### Federalism > 2nd amendment

Epstein 12 [Richard Epstein (professor of law @ NYU), "The Libertarian Gun Fallacy," Hoover Institution, 1/31/2012] AZ

Nonetheless, Root goes astray with his second example of individual liberties, in dealing with the right to keep and bear arms under the Second Amendment. He treats the issue as though it were just a question of individual rights against government. Libertarians thus rejoice in the opinion of Justice Antonin Scalia in [District of Columbia v. Heller](http://scholar.google.com/scholar_case?case=2739870581644084946&hl=en&as_sdt=2&as_vis=1&oi=scholarr), which protected the right to keep and bear arms in Washington D.C. In line with his libertarian views on state’s rights, Root (and many others) also strongly defend the United States Supreme Court in its closely divided decision in [McDonald v. City of Chicago](http://scholar.google.com/scholar_case?case=5141154246897960488&hl=en&as_sdt=2&as_vis=1&oi=scholarr), which extended the protection of that right to the states through the application of the Fourteenth Amendment. Federalism trumps individual rights in the Second Amendment. Root’s analysis, however, misses the key federalism component of the Second Amendment. To see why, it is necessary to plow through a set of gritty and interconnected constitutional provisions. The first of these provisions is the Second Amendment itself, which states in full: A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed. The central interpretive challenge of this amendment is how the first portion of it, up to the words “a free State,” relates to the substantive guarantee that is set out in the rest of the clause. The task is not made any easier by the fact that the fundamental guarantee is stated in the passive voice, so that it is left unclear who may not infringe these rights. In order to attack these interpretive questions, it is critical to isolate the federalism elements implicit in the amendment. The first of these speaks of a “well regulated Militia,” which on its face looks to be an organized body that is able to run efficiently precisely because it is well regulated. Indeed, today’s National Guards are the state-based successors to the militias of the founding period. The second key point is that the term “free State” does not refer to any abstract notion of freedom, but instead refers to a free State, capitalized—that is, one state in the American union. Today, it is often assumed that untangling these legal relationships requires Congress and the courts to lay down rules that the states will dutifully follow. But we should look to the Constitution first. It contains other clauses that speak to a deep awareness of the risk of the United States getting drawn into armed conflicts between the states. Thus the Guaranty Clause reads in full: The United States shall guarantee to every State in this Union a Republican Form of Government, and shall protect each of them against Invasion; and on Application of the Legislature, or of the Executive (when the Legislature cannot be convened) against domestic Violence. In interpreting this provision today, most people focus on the first clause that protects a “Republican Form of Government,” without noting that the remainder of the clause addresses the threat of invasion by setting out procedures to counteract it. The reason this guarantee is offered by the United States is that the courts alone have no capacity to deal with these invasions. The same fear of state invasion is also evident in Article I, Section 10, which contains this neglected provision: No state shall, without the consent of Congress, . . . engage in war, unless actually invaded, or in such imminent danger as will not admit of delay. Militias are under the control of the states, not the federal government. Those invasions could come from foreign governments or from other states. Together, these two provisions outline complex institutional arrangements to respond to the major risks of the time. Nor do they stand alone. The third piece of this puzzle relates to the operation of state militias, which receive extensive protection in Article I, Sections 15 and 16, dealing with the powers of Congress, and further elaboration in connection with the president’s role as commander-in-chief under Article II. The relevant references clearly link up to the first clause of the Second Amendment. Thus Congress shall have the power . . . (15) To provide for calling forth the militia to execute the laws of the union, suppress insurrections and repel invasions; (16) To provide for organizing, arming, and disciplining, the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the states respectively, the appointment of the officers, and the authority of training the militia according to the discipline prescribed by Congress; The president’s role is set out in Article II, Section 2: The President shall be Commander in Chief of the Army and Navy of the United States, and of the Militia of the several States, when called into the actual Service of the United States . . . These provisions all work together. The president may command the militia once it is called into the actual service of the United States. But he does not have the power to call them up, given the evident risk that his unilateral action could strip the states of the powers needed for their self-defense. The Congress, therefore, gets to set those procedures. But even Congress’s authority is limited to the purposes for which the militias can be called up: enforcing the laws of the union, suppressing insurrections, and defending the United States from invasions. Sending troops overseas on other kinds of ventures is not part of its limited mission. Indeed, this provision provoked a major constitutional crisis upon the entry of the United States into World War I. The Supreme Court, in the [Selective Service Cases](http://supreme.justia.com/cases/federal/us/245/366/case.html) of 1918, allowed President Wilson to run roughshod over the limitations on sending the militia overseas by drafting them all into the army. Today, all members of the militia (now, the National Guard) are by law also members of the army, under the so-called [dual status](http://supreme.justia.com/cases/federal/us/496/334/case.html) arrangement. But even today, when the militia is not called up into federal service, it remains under the control of the state, which retains the power to appoint its officers. Owing to this dual control structure, Article I, Section 16 divides the authority of the militia. The states handle the organizing, arming, and disciplining (e.g. training) of the members of the militia. They also maintain the critical authority of appointing its officers. But since the militias of different states must be able to work together in a national conflict, their instruction and organization follows a standard pattern that allows for coordination. It is against this backdrop that one has to read the Second Amendment. Justice Scalia’s key interpretive move was to treat the first clause as having no independent force, so that the operative provision of the Second Amendment reads, “the right of the people to keep and bear arms shall not be infringed.” But that right, of course, cannot be absolute because it would allow convicted felons and insane persons, who are part of the people, to keep and bear arms. Thus once the Second Amendment becomes the source of individual rights, it is now necessary to allow for reasonable state regulations of this right to keep and bear arms. Note that none of this is necessary if the provision is read against its federalism backdrop. The federal government cannot regulate what goes on in the states, but the states are free to regulate weapons without regard to the Second Amendment, which does not apply to them. As a matter of textual interpretation, it is unwise to read out explicit passages of a short text, especially when it is necessary to read other provisions into it.

#### It's a states issue – constitution proves

Epstein 12 [Richard Epstein (professor of law @ NYU), "The Libertarian Gun Fallacy," Hoover Institution, 1/31/2012] AZ

The federalism interpretation of the Second Amendment has profound implications for both Heller, which dealt with gun control laws in Washington D.C. and McDonald, which addressed the same questions for Chicago. Washington D.C. was of course created as the national capital out of parts of Maryland and Virginia. It has a distinctive status because it is subject to a single level of government. On that view, the regulation of arms within the District poses no threat to the way in which the states operate, so that, far from being the right place to bring the initial challenge against gun control laws, it becomes the one place where the amendment has no application whatsoever. A related set of considerations explains why the Second Amendment imposes no limitations on the states. One of the standing disputes of American constitutional law is the extent to which the adoption of the Fourteenth Amendment “incorporates” some of the protections that the Bill of Rights affords against the federal government and applies them to the states. It’s common knowledge that the version of American federalism in place prior to the Civil War placed too few constraints on the operation of state governments. The Fourteenth Amendment did not give the federal government the power to usurp state functions by passing laws that it could not pass prior to its adoption. But it did supply a major check against state laws that could be enforced both by Congress through “appropriate” regulation and through the courts. The most notable guarantee for these purposes is one that provides that “no state shall make or enforce any law that abridges the Privileges or Immunities of the Citizens of the United States.” Privileges and immunities, especially when used in conjunction, are terms of art meant to be read capaciously, but which do not include any explicit reference to the right to keep and bear arms as found in the Second Amendment. Given the lack of clear direction, the incorporation of particular provisions of the Bill of Rights has always taken place on a selective basis. On this view, the Second Amendment looks like a poor candidate to bind the states, given the approach to federalism taken here. The point of the amendment is to deal with the interactions between the federal government and the states in ways that leave the states free and clear of federal oversight on their own internal regulation of the use of firearms. It would be very strange indeed if the provision that is intended to preserve state independence from federal control should now be read as an individual right that binds the states as well as the federal government. The individual right followed neatly onceHeller stripped out the initial clause, leaving only the substantive guarantee. But this position becomes indefensible if Heller was incorrectly decided. A sensible and integrated reading of the entire Constitution leaves the regulation of the right to keep and bear arms to the states. In dealing with this or any other question of constitutional interpretation, it is wrong for libertarians, or anyone else, to read one portion of the overall clause in isolation, as if the only issues that the Constitution addresses are matters of individual rights. Oddly enough, before the adoption of the Bill of Rights, basic federal-state relations—not individual rights—were the Constitution’s focus. That said, natural rights matter when thinking about the relationship of individuals to their own states. References to the theory of natural rights were found in abundance in the state constitutions of the time: The [Massachusetts Constitution of 1780](http://www.nhinet.org/ccs/docs/ma-1780.htm) refers, for example, to “natural rights” in the opening sentence of the Preamble. But the Constitution, at least as originally conceived, was as much a compact among the states as it was a compact with the people. Apart from the stirring “we the people” in the Preamble, the rest of the document is largely concerned with structural matters that continue to retain great importance. Libertarians should be concerned not only with individual rights, but also with the institutions needed to protect them. Natural rights without sound institutions will falter, just as sound institutions that are not directed to the preservation of libertarian rights will all too easily go astray.

### A2 States CP

#### Constitution allows action by both levels – proves perm resolves net benefit

Harwood 2 [William Harwood (lawyer, Partner and Chair of Executive Board at Verrill Dana LLP), "Gun Control: State Versus Federal Regulation of Firearms," Maine Policy Review, Spring 2002] AZ

Of more recent relevance to the subject of firearm regulation, is the Supreme Court’s 1995 decision to strike down the federal Gun-Free School Zones Act of 1990 that made it a federal crime to possess a firearm within a school zone.10 In a 5-4 decision entitled United States v. Lopez, the Court ruled that the Act impermissibly intrudes on the rights of states because it does not fall within the federal government’s constitutional power “to regulate commerce…among the several states.” However, shortly after the ruling Congress reenacted the law after making several “findings” that the flow of firearms in interstate commerce and the importance of education to interstate commerce gave the federal government the authority to act. To date the reenacted version has not been challenged. In addition, in 1997 the United States Supreme Court ruled in Printz v. United States that the 1994 Brady Act, requiring a waiting period for the purchase of handguns while a background check was being performed, was unconstitutional.11 In the view of the Court, the Act impermissibly required state law enforcement officials to participate in the background check of each purchaser and thereby force them to help carry out a federal mandate. As in the case of the Gun-Free School Zones Act of 1990, the ruling was more symbolic than substantive. Despite the decision, many state law enforcement agencies continue to participate in federal background checks because they believe it is good public policy or they are already required to do so by state law.12 At this point it is doubtful that states’ rights will emerge as a significant limitation on the federal government’s authority to regulate firearms. As demonstrated by congressional reaction to Lopez, if Congress wishes to regulate firearms, it is able to make the necessary findings that particular regulations are reasonably related to interstate commerce and therefore within the constitutional authority of Congress. Similarly, although theoretically possible, there is no immediate prospect that the federal government will attempt to invoke federal preemption to limit the state government’s authority to regulate firearms. Accordingly, constitutional provisions favoring either state or federal regulation are not likely to dictate whether firearms should be regulated by the state or federal government. At this point, as a matter of constitutional law, the field of firearm regulation appears wide open to both levels of government.

#### perm is best – states are inexperienced and don't solve

Harwood 2 [William Harwood (lawyer, Partner and Chair of Executive Board at Verrill Dana LLP), "Gun Control: State Versus Federal Regulation of Firearms," Maine Policy Review, Spring 2002] AZ

The states present a different challenge. Unlike ATF, there are thousands of state and local law enforcement offi- cials and police officers already at work in the states. However, their duties extend well beyond the regulation of firearms. Given their broad jurisdiction, it is not clear that state and local police are well positioned to mount the kind of specialized and focused campaign that may be needed to significantly reduce the level of gun violence. Furthermore, as described above, gun violence is a multifaceted problem, and state and local police may not have the training or resources necessary to carry out a regulatory program aimed at preventing suicides, domestic violence and children’s accidents. In some ways the issue of violence is similar to the issue of drugs. Despite extensive efforts by the federal government to stop the sale of illegal drugs by incarcerating growers and dealers, many experts have come to the conclusion that this alone will not solve the drug epidemic. Instead, these law enforcement efforts must be complemented by an aggressive program of treating addicts in order to reduce consumer demand for the illegal drugs. Similarly in the case of firearms, we may need to not only stop gun dealers from making guns available to certain at-risk groups but also educate and encourage gun owners to properly secure their guns to protect against unauthorized or inappropriate use. To achieve this goal, it may make sense to create a new agency dedicated specifically to the regulation of firearms rather than rely solely on the existing federal or state agencies. Overall, the existing state and federal agencies most likely to enforce firearm regulations are not particularly well positioned to mount an aggressive and coordinated response to the issue of gun violence. Therefore, regardless of which level of government is best able to tackle the problem of gun violence, it will likely require significant additional resources and perhaps a new agency.

*this card is good*

#### Perm do both – federal action combined with state implementation solves best

Harwood 2 [William Harwood (lawyer, Partner and Chair of Executive Board at Verrill Dana LLP), "Gun Control: State Versus Federal Regulation of Firearms," Maine Policy Review, Spring 2002] AZ

Given this relative equilibrium in the advantages of state versus federal regulation, it may be best not to view the problem as one requiring an “either/or” solution. It may not be useful to attempt to determine whether the federal or state government is better positioned to regulate firearms and then give “the winner” sole responsibility for doing so. Instead, gun violence may be better addressed by state and federal governments working together. Because the social problems presented by firearms range from suicide to child safety to domestic violence, it may be preferable to use both federal and state regulation, in a coordinated effort, to reduce the number of victims of gun violence. Under a coordinated federal-state approach, the federal government would set regulations which would serve as the minimum or floor. Because these federal regulations would apply uniformly throughout the country, all dealers and gun owners would be required to comply with these federal laws. However, states would be free to impose stricter regulations if they wished to do so. For example, the federal government may prohibit gun dealers from selling to those convicted of a felony. But states could go further and prohibit sales to those convicted of either a felony or a misdemeanor. In essence, the states could serve as laboratories for experimenting with new regulations while the federal government would take the more conservative approach of only adopting regulations that enjoyed broad public support throughout the country. If state regulations proved successful at reducing gun violence, they would then become candidates for inclusion in the federal regulations. Once enough states—particularly those with large consumer markets—adopted similar regulations, gun dealers and owners would be more willing to accept those regulations being adopted by the federal government and thereby put into effect in all fifty states. Under this scheme the federal government would allow individual states to aggressively address the problem of gun violence but would also provide a firm floor beneath each of the states’ programs. In addition to the federal government providing the minimum floor and the states experimenting with tougher regulations, the federal government and states would cooperate on another level. Specifically, under a coordinated federal-state approach, the federal government would concentrate on regulating firearm manufacturers and commercial dealers, and the states would concentrate on private ownership and use of firearms. Because of the need for uniformity in setting standards for the manufacturer of firearms, it would be preferable for the federal government to set those standards. Conversely, when adopting regulations for the safe storage of firearms inside the home or transfers of guns between collectors or friends, there is much less need for uniformity and much greater opportunity for regulation to be tailored to reflect the specific values and customs of a particular state. Finally, the coordinated federal-state approach would include a coordination of enforcement activities by the two levels of government. For example, if the federal government decided for reasons of fiscal prudence not to devote enough resources to properly enforce federal regulations, the states would step in. If there were not enough ATF agents to inspect the records of the federally licensed gun dealers in a particular state to ensure compliance with federal regulations, the state police or some other state law enforcement agency would begin doing so.

#### States + fed = ☺

Harwood 2 [William Harwood (lawyer, Partner and Chair of Executive Board at Verrill Dana LLP), "Gun Control: State Versus Federal Regulation of Firearms," Maine Policy Review, Spring 2002] AZ

In summary, rather than picking one or the other, both the state and federal government should regulate— but in a well coordinated manner that produces a better regulatory program than either could produce alone. The states should concentrate on individual responsibility of gun owners and serve as the laboratory for experimentation and comparison, while the federal government should concentrate on manufacture and commercial distribution of firearms and provide a strong minimum base of regulations upon which the states can build if they choose. By adopting such a coordinated approach the chances of significantly reducing gun violence in the United States are greatly improved.

### Cartels Adv

#### High supply of guns in the US spills over to Mexico – that arms drug crime

Dube 11 [Arindrajit Dube (Department of Economics, University of Massachusetts Amherst), Oeindrila Dube, Omar Garcia-Ponce, "Cross-border Spillover: U.S. Gun Laws and Violence in Mexico," May 2011] AZ

Our analysis has examined how the expiration of the U.S. federal assault weapons ban in 2004 affected violence in Mexico during the 2002-2006 period. Given widespread weapons trafficking across the U.S. Mexico border, the U.S. policy change represents an exogenous shock to the supply of weapons in Mexico. Since the policy weakened the gun control regime in Texas and Arizona more than in California, which retained a pre-existing state-level ban, we are able to exploit variation across Mexican municipios in distance to nearest port of entry into non-California border states, as well as the timing of the policy change, to identify this effect. We find that in the post-2004 period, municipios closer to the Texas and Arizona ports (compared to those closer to California ports) witnessed differential increases in total homicides, homicides tied specifically to guns, and criminal convictions for homicides and gun-related offenses. These municipios also experienced larger increases in seizures of riáes (but not handguns), which provides evidence that the policy change increased violence through its effect on the supply of a particular type of weapon in Mexico. Our baseline estimates suggest that municipios at the Texas and Arizona border ports saw total homicides rise by 40% compared to municipios 100 miles away, implying an additional 158 more homicides in the two years following the expiration of the FAWB. Importantly, the estimated effect is significant in municipios within 100 miles of the border.

#### more ev

Mehalko 12 [Laura Mehalko (Executive Comments Editor for the Boston College International & Comparative Law Review), "THIS IS GUN COUNTRY: THE INTERNATIONAL IMPLICATIONS OF U.S. GUN CONTROL POLICY," Boston College International & Comparative Law Review, 2012] AZ

Mexican drug trafficking organizations are the largest providers of illicit drugs to the United States. They have also grown to rely on advanced, high-power weaponry and to use their nearly military-grade armament to maintain control over smuggling corridors, and local drug production areas. Cartels are also linked to nearly 40,000 deaths over the last five years, many of which were committed with guns originating in the United States. The United States is likely the most prevalent source of weapons for the increasingly violent cartels. The U.S. government estimates that nearly ninety percent of all weapons used in the drug war originate in the United States. An analysis of current gun control policy in the United States and Mexico suggests this is likely the case; Mexico has particularly strict gun control laws in contrast to the relatively lenient gun control regulation in the United States. Both countries have implemented domestic policies aimed at reducing the southward flow of arms into Mexico, yet so far have had little success. This Note argues that arms trafficking has been facilitated by current U.S. gun control policy, and it will likely continue without a foundational shift in either U.S. or international policy.

#### US side gun control solves arms trafficking

Mehalko 12 [Laura Mehalko (Executive Comments Editor for the Boston College International & Comparative Law Review), "THIS IS GUN COUNTRY: THE INTERNATIONAL IMPLICATIONS OF U.S. GUN CONTROL POLICY," Boston College International & Comparative Law Review, 2012] AZ

Arms trafficking is unlikely to decrease without increased cooperation between the United States and Mexico.13 Although regulations restricting trafficking are likely constitutional, cultural factors in the southwestern states make domestic reform, tightening restrictions on firearms sales, unlikely.14 One commentator suggested that lax regulations in Texas and Arizona “reflect both the libertarian traditions of the West and the anxious vigilance of firearms enthusiasts toward their Second Amendment rights.”15 State gun control laws impose few restrictions on firearms sales, making prosecution of those accused of transacting with Mexican cartels more difficult.16 Further, state laws creating an individual right to bear arms now find support in the federal SecondAmendment policy that was incorporated to the states in McDonald v. City of Chicago.17 Despite Mexican attempts to regulate the illicit arms trade,18 arms trafficking has proliferated, operating either in accordance with gun control regulations or outside the reach of government action.19 Mexico is known for its particularly strict gun control laws and has only one operating gun store in the country.20 Yet, between 2004 and 2008, the government seized nearly five times as many firearms from drug crimes as there are legal permits.21 Government efforts to restrict access to firearms have thus proven ineffective in the drug war.22 This rise in international crime, or “crime that crosses international borders,”23 has not been met with a coherent international effort intended to reduce access to high powered weapons by the DTOs.24 Under the current legal framework, it is likely that arms trafficking will continue, and any attempt by Mexico to reduce the illicit arms trade and related violence will be undermined by U.S. policy.25

#### Mexico has strict gun control

Mehalko 12 [Laura Mehalko (Executive Comments Editor for the Boston College International & Comparative Law Review), "THIS IS GUN COUNTRY: THE INTERNATIONAL IMPLICATIONS OF U.S. GUN CONTROL POLICY," Boston College International & Comparative Law Review, 2012] AZ

In contrast, Mexico has adopted particularly strict gun control laws.126 Currently, there is only one firearm store in the entire country; it is located in Mexico City, and operated by the military.127 In order to obtain a permit to own a firearm, a person must apply at a military base, and demonstrate that he: (1) lives an honest life; (2) has completed any required military service; (3) has not been convicted of any crimes involving weapons; and (4) does not use any drugs.128 To receive a permit, a person must also show that he has a justifiable reason for owning a weapon.129 Unless the person obtains a permit for use as a governmental employee, he must have his permit reissued every two years.130 Additionally, private ownership is limited to low-power firearms, primarily those smaller than .22 caliber.131 Anyone who uses or sells a weapon of a higher caliber, specifically those restricted for military use, may face a prison sentence of up to thirty years.132 In contrast to U.S. regulations, Mexico has established a national registry for firearms, and requires that all weapons be reported to the government for inclusion in a database.133 In an effort to enhance its own laws and reduce arms imported from the United States, the Mexican government has attempted to increase its involvement with U.S. security officials along the border.134 To control the influx of weapons, the Mexican government has focused on seizing illegal weapons, engaging in raids of property associated with drug traffickers and inspecting incoming vehicles.135 Additionally, in 2009, the Mexican government aided U.S. tracing efforts by submitting an extensive list of firearms to the ATF’s U.S. database for use in discerning trafficking patterns.136 Even in light of the strict Mexican regulations and international cooperation, ATF officials and Mexican authorities predict that the DTOs will continue to import weapons from U.S. dealers along the border.137 One ATF special agent observed that the relative ease of acquiring guns in the United States as compared to Mexico will encourage DTO members to continue to travel north across the border to purchase firearms.138

#### Arms are imported across the border

Mehalko 12 [Laura Mehalko (Executive Comments Editor for the Boston College International & Comparative Law Review), "THIS IS GUN COUNTRY: THE INTERNATIONAL IMPLICATIONS OF U.S. GUN CONTROL POLICY," Boston College International & Comparative Law Review, 2012] AZ

Despite strict Mexican regulations, buyers are nevertheless able to acquire and import the weapons they desire from U.S. arms dealers.139 Although the Mexican government granted only 4300 licenses that allow persons to carry firearms outside of their homes, between 2004 and 2008 over 20,000 guns were seized and traced to the United States.140 In fact, it is estimated that 2000 weapons are brought into Mexico each day from the United States.141 Likely, the individuals Mexico aims to exclude from permitted gun ownership—those involved in drugs and crime—are those most likely to obtain a weapon illegally from the United States.142 For these reasons, Mexican officials have described the illicit arms market as the most important domestic crime problem, and the primary threat to Mexican national security.143 Certain U.S. regulations directly facilitate sales to individual DTO members, and thus operate in direct conflict to Mexican attempts to reduce DTO access to firearms.144 For example, ATF officials are only permitted to inspect individual gun stores once a year without a warrant.145 Because there are nearly 7000 gun dealers along the border, few stores are inspected even annually.146 Although licensed dealers are required to inform state or local law enforcement if a non-licensed person purchases more than one handgun within a five day period, there is no similar requirement for assault rifles.147 Moreover, sales by unlicensed dealers are in large part unregulated.148 Lastly, ammunition sales, which occur far more frequently than sales of weapons, are also generally unmonitored.149

#### Militarized cartels outmatch Mexican police

Mehalko 12 [Laura Mehalko (Executive Comments Editor for the Boston College International & Comparative Law Review), "THIS IS GUN COUNTRY: THE INTERNATIONAL IMPLICATIONS OF U.S. GUN CONTROL POLICY," Boston College International & Comparative Law Review, 2012] AZ

Mexican officials have appealed to U.S. officials for reinstatement of the assault weapons ban150 that expired in 2004.151 Mexican President Felipe Calderón suggested that increased violence in Mexico can be correlated with greater access to high-power assault weapons.152 In fact, one state along the border, Chihuahua, has seen a 1800 percent increase in murders between 2007 and 2010.153 The availability of these weapons has also negatively impacted Mexican law enforcement, as many officers are not equipped to combat the high-caliber guns employed by the cartels.154 Much of the Mexican police force is armed with older, low caliber weaponry and lacks body armor; it is thus unable to control the virtually militarized DTOs.155 The severe imbalance in firepower has necessitated the use of the Mexican military, as the police force has been rendered inoperable.156 Although buyers can legally obtain firearms in the United States, many weapons are also available from illegal, unregulated sources.157 In actuality, it appears that few federally-licensed dealers engage in firearm trafficking, suggesting that many “crime guns,” or those suspected to have been used in a crime, come from other, illicit sources.158 Policing these weapons is generally done through a system known as “e-Trace,” that permits authorities to follow the movement of a weapon from a manufacturer or importer to a first purchaser.159 Serial numbers or other information about the weapon is submitted to the ATF’s National Tracing Center to determine the original source of the weapon.160 Mexico has submitted weapons to the United States for tracing— between 2004 and 2008, the ATF was able to determine the original source of the weapon for only 52 percent of tracing requests.161

#### Try or die – violence is escalating

Mehalko 12 [Laura Mehalko (Executive Comments Editor for the Boston College International & Comparative Law Review), "THIS IS GUN COUNTRY: THE INTERNATIONAL IMPLICATIONS OF U.S. GUN CONTROL POLICY," Boston College International & Comparative Law Review, 2012] AZ

The violence associated with drug trafficking now threatens every aspect of Mexico’s national security.182 DTOs have infiltrated Mexican government and law enforcement using threats and bribery,183 and have maintained economic growth in the face of a financial downturn.184 The “politically savvy” DTOs have forced the Mexican government to engage military forces to battle the heavily armed cartels, as traditional forms of law enforcement have been ineffective.185 These organizations have risen to a level of power never before seen in the Mexican criminal context, and are expanding to create a threat to the international community.186 Despite the fact that criminal law is traditionally a domestic matter,187 such a limitation in this context has inhibited the ability of the Mexican government to reduce the levels of violence, and has contributed to a staggering death toll.188 As such, the failure of the United States and Mexico to create an international solution virtually guarantees that the arms trafficking problem and the associated violence will continue.189

#### Any gun control by Mexico is undermined due to lax American policies

Mehalko 12 [Laura Mehalko (Executive Comments Editor for the Boston College International & Comparative Law Review), "THIS IS GUN COUNTRY: THE INTERNATIONAL IMPLICATIONS OF U.S. GUN CONTROL POLICY," Boston College International & Comparative Law Review, 2012] AZ

In the present instance, Mexican attempts to restrict access to weapons will be similarly undermined.204 Drug and arms traffickers will continue to take advantage of the disparities in legal systems, trading illegal narcotics for guns across the border between the United States and Mexico.205 To prevent Mexican gun control laws from meeting the same fate as FDA regulations in the prescription drug context, the United States ought to consider the international implications of its domestic gun policy.206 Where issues with international implications are presented, combining international and domestic considerations is difficult because of the inherent self-interest employed by nation-states in the international sphere.207 State governments are charged with protecting the interests of those within their borders, so any conflicting interests have the potential to impede international cooperation.208 Within issues of domestic significance, contemplation of international obligations is often avoided by the United States due to a fear that such considerations would result in damage to U.S. sovereignty.209 Additionally, courts fear that application of international law threatens the separation of powers by encouraging the judiciary to enter into foreign affairs or other areas traditionally vested in the other two branches.210

#### Counterplan can't solve – cartels get stronger

Mehalko 12 [Laura Mehalko (Executive Comments Editor for the Boston College International & Comparative Law Review), "THIS IS GUN COUNTRY: THE INTERNATIONAL IMPLICATIONS OF U.S. GUN CONTROL POLICY," Boston College International & Comparative Law Review, 2012] AZ

The Mexican arms trafficking dilemma demonstrates that an inappropriate convergence of laws has occurred where U.S. regulations are dominant.249 Conflicting goals, as well as problems in coordination, have created gaps250 that permit trafficking to continue.251 Mexican restrictions on access to weapons have not prevented DTO members from acquiring high-power weapons because those guns are widely available in the United States.252 Thus, the central problem in arms trafficking is the ease with which purchasers can obtain weapons, legally and illegally, in the United States.253 As evidence, numerous Mexican and U.S. officials have cited U.S. gun regulations as the source of the problem, and proposed U.S. legal reform as the solution.254 Although reform of U.S. policies in the way of restricting access to high-caliber weapons may encourage a reduction of violence in Mexico, it is unlikely that the United States would undergo domestic reform in that area.255 Without a foundational reform in international gun control, efforts focused on policing along the border will continue to be inefficient and inadequate.256 Moreover, the U.S. government has admitted that its own policing agencies are unable to effectively address the gun trafficking problem in the face of current gun control regulations.257 Yet so far, U.S. efforts have generally been limited to targeted police initiatives along the border, and have not included directives aimed at comprehensive reform of drug and gun use.258 In 2009, the U.S. government implemented a $95 million outbound inspection program.259 Nevertheless, the port director in El Paso Texas noted that while his team had recovered nearly $400,000 in cash, they had recovered only one handgun during the first six weeks of searches at four border crossing points.260 In 2010, the Obama administration pledged 1200 troops to the Mexican border to aid in the fight against drug smuggling.261 The decision was applauded by those who interpreted it as a timely solution to violence and immigration issues.262 Even so, in 2010 approximately 9000 persons were killed in Mexico in associated drug violence.263 Accordingly, a continuation of current unilateral policing efforts will be insufficient to reduce the number of firearms crossing the border.264 In the same vein, the success of unilateral efforts to monitor the black market for small weapons rests on reform of U.S. law and policy.265 The United States has implemented many programs intended to address the issue of gun smuggling, but admits that there has been little success in reducing the number of weapons transported across the border.266 The United States has spent over $1 billion on programs for the ATF and Immigration and Customs Enforcement (ICE) to combat arms trafficking, but acknowledged that these efforts have been unsuccessful in light of legal constraints and lack of coordination.267 The ATF program, Project Gunrunner, has inherent flaws based on the overriding legal restrictions, including an inability to meet its own goals or to analyze the success, if any, of the program overall.268 The problem remains that the focus of both of these programs is policing: merely increasing law enforcement efforts without facilitating needed legal reform.269 Other organizations devoted to international crime have been similarly ineffective in addressing the problem of arms trafficking, due in part to a lack of true cooperation by the United States.270 Across the globe, many regulatory and policy-based efforts are enacted by intergovernmental organizations.271 The Organization of American States (OAS) operates as the primary regional organization with regard to international criminal issues.272 The OAS has exerted significant effort in combating drug smuggling from Latin America, but its attempts to create regional harmonization have been largely undermined by the United States’ internal focus on gun policy and general rejection of multilateralism.273 For example, in its report concerning the arms trafficking dilemma, the U.S. Government Accountability Office made no mention of OAS collaborative efforts, instead focusing entirely on ATF and ICE measures.274 It is unlikely that any initiative spearheaded by an inter-governmental organization would be effective due to the United States’ reluctance, for political reasons, to enter into or cooperate with these types of organizations.275 Thus, current initiatives, both bilateral and unilateral, have proven ineffective in reducing the number of arms transported to Mexico from the United States.276

### A2 Agamben

#### Sacrificeability wrong – proves Agamben's thesis is reductionist and false

Rayburn 8 [Martin Rayburn, "'[Homo Sacer' and the Problem with the Ancient Model](http://www.amazon.com/review/R59LGI8RCSAZ0/ref=cm_cr_dp_title?ie=UTF8&ASIN=0804732183&channel=detail-glance&nodeID=283155&store=books)," Amazon Reviews (Agamben's *Homo Sacer*) 8/15/2008, http://www.amazon.com/Homo-Sacer-Sovereign-Meridian-Aesthetics/dp/0804732183] AZ

From a contemporary vantage, homo sacer's "unsacrificeable" character seems not simply irrelevant, but downright erroneous. The stringency of Agamben's ancient paradigm precludes an analysis of the insidious logic of sacrifice operative today. Because Agamben detects sacrifice exclusively within the boundaries of religious ceremony, he is unable to discern the manner in which secular political ideology both reinforces the sacrificeablity of the subject and renders him utterly disposable. Agamben tells us "that the Jews were exterminated not in a mad and giant holocaust but exactly as Hitler had announced, `as lice,' which is to say, as bare life. The dimension in which the extermination took place is neither religion nor law, but biopolitics." But this dichotomy--between the event of the collective sacrifice on the one hand and the banalized process of extermination on the other--is less stable than Agamben implies. "Sacrifice" functions as a convenient catchword by which the sovereign may, paradoxically, reduce the subject to bare life while recuperating a sense of purpose and meaning in the midst of mass slaughter. (Thus, Truman was able to write, "I think the sacrifice of Hiroshima and Nagasaki was urgent and necessary for the prospective welfare of both Japan and the Allies.") Within the scope of a dubious utilitarian calculus, sacrifice is deemed an investment for a "better future." In this sense, sacrificeability does not mitigate or contradict the sacred man's "capacity to be killed," but makes this capacity seem both palatable and redemptive. While we are beyond an epoch in which religious sacrifice is pervasively practiced, sacrifice is nonetheless transposed into a secular key and thereby used to justify a wide range of biopolitical crimes. Although this may seem like a minor flaw in this text, it gestures toward Agamben's larger shortcoming, that is, his inability to buttress his most provocative claim: that we, today, collectively embody the ancient figure of homo sacer. His enumeration of contemporary states of exception toward the end of the book does little to remedy this problem. For instance, he squeezes "military interventions on humanitarian grounds" into his conceptual model of the state of exception not by demonstrating a structural coincidence between homo sacer and the subjects involved in contemporary warfare, but by making an unconvincing appeal to "an undecidability between politics and biology." Agamben is at his weakest when adducing such platitudes of deconstruction and passing them off as argument. While the reader cheers for his attempts to graft the structure of ancient Roman law onto the contemporary political landscape, these lines of thought run up against the same impasse, at which Agamben invariably resorts to specious analogical thinking.

### Neolib aff

Finley 14 [Luigi Esposito, Laura L. Finley (Assistant professor of Sociology and Criminology at Barry University in Miami Shores), "Beyond Gun Control: Examining Neoliberalism, Pro-gun Politics and Gun Violence in the United States," Theory in Action, Vol. 7, No. 2, April 2014] AZ

[I’m probably going to cut some cards from this too so check my gun file as you go. –Scott]

### Buyback program

#### Buyback solves – raises awareness

Wogan 13 [J.B. Wogan (Staff Writer, he has also written for PolitiFact, The Seattle Times and Seattle magazine), Cities Rethink Gun Buyback Programs," Governing, March 2013, http://www.governing.com/topics/public-justice-safety/gov-cities-rethink-gun-buyback-programs.html] AZ

But it may be time for a reassessment. Garen Wintemute, an author of the studies in Milwaukee and Sacramento and the director of an injury-prevention center at the University of California, Davis, now says these programs deserve a re-examination. In the past, police would often accept any gun, even ones that no longer worked. Now many local programs tailor the rules to attract targeted guns. For example, a December buyback in Camden County, N.J., paid residents on a sliding scale from $50 for a gun that couldn’t fire to $250 for a high-powered weapon. Police set a state buyback record, collecting 1,137 guns, including five automatic assault weapons. The number of firearms already in circulation in the United States -- an estimated 300 million -- dwarfs even the most successful public buyback figures. Nonetheless, Wintemute says he regrets that he and his peers wrote off buybacks a decade ago. “They have intangible value that we have really been underestimating,” he says. “They never will reduce rates of violent crime, but that may have been the wrong parameter to look at.” As part of a larger discussion about public safety, Wintemute says, buybacks may play an important role in mobilizing a community to examine gun control. Some 800 mayors have joined Mayors Against Illegal Guns, which pushes for national gun-control proposals. Chicago Mayor Rahm Emanuel, a proponent of buybacks, wants city leaders across the country to divest municipal pension funds from assault weapon manufacturers. “Our concern was that people would do a buyback and then move on and think they had taken care of the problem,” Wintemute says. “But people are not sitting back and waiting for Washington to do something.”

### Gun Culture

#### Gun culture causes crime

Hales 6 [Gavin Hales (deputy director of the Police Foundation in the UK), Chris Lewis and Daniel Silverstone, "Gun crime: the market in and use of illegal firearms," Home Office Research, Development and Statistics Directorate December 2006] AZ

Two ‘ideal type’ criminal gun cultures are identified: ● An instrumental criminal gun culture in which guns are used only for offensive criminal purposes such as armed robbery. ● A complex criminal gun culture in which the role of firearms is more generalised, including offensive, defensive and symbolic functionality. The latter is more recent, appears to reflect changing criminal cultures and is becoming increasingly significant. Three consistent themes, often hand-in-hand, appear to underlie complex criminal gun culture: ● the ascendancy of criminal role models; ● the market in illegal drugs; ● cultures of gang membership. Significantly, firearms appear to have become increasingly normalised in relation to systemic violence in the street-level criminal economy, including the possession of firearms for offensive and defensive purposes in the context of complicated offending and victimisation histories. Firearms also appear to have assumed a symbolic significance as they have become associated with criminal affluence related to activities such as drug dealing and robbery and have been conflated with respect, status and violent potential. The extent to which this symbolism may be attributed to popular cultural sources such as the urban music industry and media more generally is unclear but on balance appears peripheral. Conclusions The ‘gun culture’ debate needs to develop to reflect the complexity of the issues raised by this research. Those working on crime reduction in communities affected by gun crime must engage with young people’s decision-making processes, especially where the local criminal economy, fuelled in particular by illegal drugs and armed robbery, is outcompeting the legitimate labour market for some individuals. This process has serious consequences, not least because it legitimises crime as a career path and removes participants from the regulated mainstream, exposing them to serious risks and encouraging informal and illegal strategies. The challenge is to resist these processes and keep would-be gun criminals within mainstream civil society, something that requires long-term, credible, legal alternatives to entrenched social and economic problems.

#### Moderate restrictions on guns can create shifts in culture

Bachmann 12 [Helena Bachmann (reporter for Time), "The Swiss Difference: A Gun Culture That Works," TIME Magazine, 10/20/2012] AZ

One of the reasons the crime rate in Switzerland is low despite the prevalence of weapons — and also why the Swiss mentality can’t be transposed to the current American reality — is the culture of responsibility and safety that is anchored in society and passed from generation to generation. Kids as young as 12 belong to gun groups in their local communities, where they learn sharpshooting. The Swiss Shooting Sports Association runs about 3,000 clubs and has 150,000 members, including a youth section. Many members keep their guns and ammunition at home, while others choose to leave them at the club. And yet, despite such easy access to pistols and rifles, “no members have ever used their guns for criminal purposes,” says Max Flueckiger, the association’s spokesperson. “Social conditions are fundamental in deterring crime,” says Peter Squires, professor of criminology and public policy at the University of Brighton in Great Britain, who has studied gun violence in different countries and concluded that a “culture of support” rather than focus on individualism, can deter mass killings. “If people have a responsible, disciplined and organized introduction into an activity like shooting, there will be less risk of gun violence,” he tells TIME. That sense of social and civic responsibility is one of the reasons the Swiss have never allowed their guns to come under fire.

#### The counterplan solves – Israel's gun culture is good and responsible

Leibovitz 12 [Liel Leibovitz (Israeli-American journalist, author, media critic and video game scholar, Ph.D. from Columbia University), "WHY ISRAEL HAS NO NEWTOWNS," Tablet Magazine, 12/17/2012] AZ

If the United States, itself awash with weapons, wishes to benefit from Israel’s experience, it must make sure it learns the right lessons. The first and most universal one is that ever more stringent gun control is bad policy: As is the case with drugs, as was the case with liquor during Prohibition, the strict banning of anything does little but push the market underground into the hands of criminals and thugs. Rather than spend fortunes and ruin lives in a futile attempt to eradicate every last trigger in America, we would do well to follow Israel’s example and educate gun owners about their rights and responsibilities, so as to foster a culture of sensible and mindful gun ownership. This is possible even in a society that doesn’t send each and every one of its sons and daughters to the army. One of my earliest memories involves waving a toy gun around, playfully pointing it at my father; I was 5 or 6 years old, and thought the whole thing great fun. My father, however, was unamused. Sternly, he looked at me and told me I should never point a gun at anything I didn’t truly intend to kill. The lesson stuck. Later in life, he took me shooting, drilling into me the fundamentals of gun safety from a very young age. He was hardly alone in taking such an attitude. Go to any shooting range in Israel, as a soldier or a civilian, and the instructor is likely to talk about responsibility even before he or she begin to cover the basics of shooting. Those of us who are passionate about firearms should pursue the same path. I was dismayed to observe the National Rifle Association, an organization to which I belong, remain silent in the aftermath of the Newtown massacre; any organization that takes gun ownership seriously should dedicate itself not only to rights but to duties as well and provide its members with the resources to teach themselves and their children the same lessons my father taught me. The NRA should have been the first to vehemently condemn the shooting. Then they should have used the plethora of platforms at their disposal—including three magazines and a robust presence on social media—to assert the values that unite the many of us who are responsible and mature gun owners and who spend just as much time thinking about a gun’s tremendous potential for destruction as they do thinking about its muzzle velocity. Finally, there’s one more crucial, and tragically ignored, point to consider. In the aftermath of Friday’s shooting, a mother named Liza Long wrote a [powerful essay](http://thebluereview.org/i-am-adam-lanzas-mother/) in which she recounted the difficulties of raising her mentally ill son. A brilliant child, he is nonetheless prone to occasional fits of rage and violence. When she looked at the shooter this past Friday, Long felt a chilling sense of recognition. “I am sharing this story because I am Adam Lanza’s mother,” she wrote. “I am Dylan Klebold’s and Eric Harris’s mother. I am James Holmes’s mother. I am Jared Loughner’s mother. I am Seung-Hui Cho’s mother. And these boys—and their mothers—need help. In the wake of another horrific national tragedy, it’s easy to talk about guns. But it’s time to talk about mental illness.” Amen to that. In Israel, still a somewhat socialist country, mental health services are ready available, for free, to anyone. And because so many young Israelis undergo traumatic experiences in the course of their military service, a whole host of nonprofit organizations are on hand to provide counseling and treatment. We must do the same. Rather than pretend that it was the objects in their hands rather than the afflictions in their minds that led Lanza and Holmes and Cho and the others to perpetrate their monstrosities, we should offer help to those young men and their families. We have no more compassionate route, and no greater hope for peace.

#### Gun culture is complex and cannot be reduced to merely good or bad – the aff simplifies American identity to fit their narrative

Kohn 5 [Abigail Kohn, "Shooters: Myths and Realities of America's Gun Cultures," 12/8/2005] AZ

The gun debate is in effect posing a series of questions: What constitutes moral citizenship in the United States today? What does American history say about citizenship? Is that history still rele- vant today? How should individual citizens work to make themselves and their communities safer? And finally, how should Americans strive to main- tain moral order within American society as a whole? These are the issues and concerns that lie at the heart of the American gun debate. They all relate on some level to cultural formulations of citizenship and morality and have serious implications for public safety. But one of the reasons that the gun debate is so contentious and so seemingly unresolvable is that these questions have few inherent “right” answers. They engender responses that are as subjective as people's feelings about guns. Yet, many Americans now address these questions, and communicate their answers, through gun debate politics. Thus, at its most basic, the gun debate is about how Americans choose to define themselves as Americans and think about what being a good American actually means. Engaging with the gun debate, particularly by choosing to own guns and/or talking about guns publicly, means engaging with the notion of American identity in profound and complicated ways. Through formal interviews, visits to shooting ranges, gun stores, and shooting competitions, and time spent simply sitting with people as they talked about their guns, I explored what it means to be a gun enthusiast. For shooters, guns signify American core values: freedom, independence, indi- vidualism, and equality. Thus, in essence, shooters believe that being a gun owner means being a good American. Through their own words and stories, I discovered that gun enthusiasts perceive the core values embodied in guns as both vibrantly alive and deeply threatened in the contemporary United into their day-to-day lives. For them, gun ownership is a central aspect of both individual and national identity, and for that reason, they hear attacks on guns as deeply personal attacks not only on themselves, but also on their family and community, even on their way of life. Only by directly addressing what gun ownership really means to gun enthusiasts, and by recognizing and exploring the attraction that so many Americans have to guns, can we begin to have a constructive conversation about the role of guns in contemporary society. This is most effectively ac- complished by considering what gun enthusiasts actually say about their gun enthusiasm and by carefully looking at and understanding the kinds of so- cial activities with which gun owners are concerned. Much attention has been paid elsewhere to the values and principles of people who oppose gun ownership and support gun control, and how their values embody the best of American culture. But in fact, the principles that underlie gun enthusi- asm are also intimately connected to larger. broader values and principles that run through American culture more generally. Only by understanding those connections and recognizing how and why guns are meaningful to their owners can we begin to understand why guns remain such an integral part of the United States today.

#### A2 Kahan – they're biased and the study was flawed

Douglas 3 [Mary Douglas (Formerly Professor of Social Anthropology, University College London), "BEING FAIR TO HIERARCHISTS," University of Pennsylvania Law Review, 2003] AZ

Unfortunately, the indicator questions for understanding hierarchy in Kahan and Braman's survey focus more on rigidity and moral intolerance than on particular values preferred. Items selected as hierarchical indicators concerned attitudes toward race, sex, the military, and capital punishment. Hierarchists were expected to condemn homosexuality (this is the only point that reflects their attitudes toward gender) and to be favorable toward the military and capital punishment (this last item covers their attitudes toward law and order). That is all. Their responses are coded to favor bigotry, sexism, and racism. Somebody here doesn't like hierarchists. The approach described in More Statistics, Less Persuasion has not succeeded in drawing a clear distinction between the culture of individualism and the culture of hierarchy. It focuses on the vertical stratification of hierarchical society and on attitudes toward the outsider. It does not touch on hereditary privilege, rejection of competition, or on the idea of order which produces the typically hierarchical internal compartments and status regulations. Furthermore, it forgets that an individualist culture also has vertical stratification, based on power and money, not on birth. Worst of all, it overlooks that hierarchy is a forum of organization that is efficient for certain risks because of its ability to delegate authority and to organize the division of labor. When they are at home, cultural theorists twit each other for allowing their own moral biases to slip into their analyses. It often happens. I hope it is not offensive to accuse Kahan and Braman of a prejudicial view of hierarchy. The scholar should control feelings of contempt or simple antipathy. The alleged hierarchical responses designed by Kahan and Braman sound like caricatures of old-fashioned cinema characters, French officers in Casablanca"' or Japanese officers in The Bridge on the River Kwai. 7 I want my feeling that bias has crept in to be corrected.

## Neg

### Agamben

#### The ban holds together bare life and sovereignty

Calarco 7 [Matthew Calarco (professor of philosophy @ California State University Fullerton), "Giorgio Agamben: Sovereignty and Life," 2007] AZ

This explains why sovereign power cannot have a contractual origin: “This is why in Hobbes, the foundation of sovereign power is to be thought not in the subjects’ free renunciation of their natural right but in the sovereign's preservation of his natural right to do anything to anyone, which now appears as the right to punish” (HS. 106). Thus, the ban holds together bare life and sovereignty. And it is important for Agamben to point out that the ban is not simply a sanction-which as such would still be representable with- in the order of the city-but that it involves Madame the home racer and the other figures that Agamben associates to him are simply left outside any communitarian order. That is why he can be killed but not sacrificed. In that sense the ban is nonrelational: their victims are left to their own separatedness. This is for Agamben the originary political relation, linked to sovereignty. It is a more originary extraneousness than that of the foreigner, who still has an assigned place within the legal order. ‘We must learn to recognise this structure of the ban in the political relations and public spaces in which we will live. The ban has thus been at the source of sovereign power. The state of exception, which reduces the citizens to bare life (he has in mind Foucault's bio- politics), has determined modernity from its very beginning.

#### **Agamben on the ban**

Agamben 98 [(Giorgio, prof of philosophy at univ of Verona) “HOMO SACER: Sovereign Power and Bare Life” available online] AZ

1.7. If the exception is the structure of sovereignty, then sovereignty is not an exclusively political concept, an exclusively juridical category, a power external to law (Schmitt), or the supreme rule of the juridical order (Hans Kelsen): it is the originary structure in which law refers to life and includes it in itself by suspending it. Taking up Jean-Luc Nancy’s suggestion, we shall give the name ban (from the old Germanic term that designates both exclusion from the community and the command and insignia of the sovereign) to this potentiality (in the proper sense of the Aristotelian dynamis, which is always also dynamis mē energein, the potentiality not to pass into actuality) of the law to maintain itself in its own privation, to apply in no longer applying. The relation of exception is a relation of ban. He who has been banned is not, in fact, simply set outside the law and made indifferent to it but rather abandoned by it, that is, exposed and threatened on the threshold in which life and law, outside and inside, become indistinguishable. It is literally not possible to say whether the one who has been banned is outside or inside the juridical order. (This is why in Romance languages, to be “banned” originally means both to be “at the mercy of” and “at one’s own will, freely,” to be “excluded” and also “open to all, free.”) It is in this sense that the paradox of sovereignty can take the form “There is nothing outside the law.” The originary relation of law to life is not application but Abandonment. The matchless potentiality of the nomos, its originary “force of law, “is that it holds life in its ban by abandoning it. This is the structure of the ban that we shall try to understand here, so that we can eventually call it into question. א The ban is a form of relation. But precisely what kind of relation is at issue here, when the ban has no positive content and the terms of the relation seem to exclude (and, at the same time, to include) each other? What is the form of law that expresses itself in the ban? The ban is the pure form of reference to something in general, which is to say, the simple positing of relation with the nonrelational. In this sense, the ban is identical with the limit form of relation. A critique of the ban will therefore necessarily have to put the very form of relation into question, and to ask if the political fact is not perhaps thinkable beyond relation and, thus, no longer in the form of a connection.

#### Ban = sovereign power

Agamben 98 [(Giorgio, prof of philosophy at univ of Verona) “HOMO SACER: Sovereign Power and Bare Life” available online] AZ

This is why the thesis stated at the logico-formal level at the end of the first part above, according to which the originary juridico-political relation is the ban, not only is a thesis concerning the formal structure of sovereignty but also has a substantial character, since what the ban holds together is precisely bare life and sovereign power. All representations of the originary political act as a contract or convention marking the passage from nature to the State in a discrete and definite way must be left wholly behind. Here there is, instead, a much more complicated zone of indiscern-ability between nomos and physis, in which the State tie, having the form of a ban, is always already also non-State and pseudo-nature, and in which nature always already appears as nomos and the state of exception. The understanding of the Hobbesian mythologeme in terms of contract instead of ban condemned democracy to impotence every time it had to confront the problem of sovereign power and has also rendered modern democracy constitutionally incapable of truly thinking a politics freed from the form of the State. The relation of abandonment is so ambiguous that nothing could be harder than breaking from it. The ban is essentially the power of delivering something over to itself, which is to say, the power of maintaining itself in relation to something presupposed as nonrelational. What has been banned is delivered over to its own separateness and, at the same time, consigned to the mercy of the one who abandons it – at once excluded and included, removed and at the same time captured. The age-old discussion in juridical historiography between those who conceive exile to be a punishment and those who instead understand it to be a right and a refuge (already at the end of the republic, Cicero thought exile in opposition to punishment: Exilium enim non supplcium est, sed perjugium portusque suppliai, “Exile is not a penalty, but a haven and a refuge from penalty” [Pro Caec, 34]) has its root in this ambiguity of the sovereign ban. Both for Greece and for Rome, the oldest sources show that more ancient than the opposition between law and punishment is the status – which “cannot be qualified either as the exercise of a law or as a penal situation” (Crifo, L’esclusione dall città, p. 11) – of the person who goes into exile as a consequence of committing homicide, or who loses his citizenship as a result of becoming a citizen of a civitas foederata that benefits from an ius exilii. The originary political relation is marked by this zone of indistinction in which the life of the exile or the aqua et igni interdictus borders on the life of homo sacer, who may be killed but not sacrificed. This relation is more original than the Schmittian opposition between friend and enemy, fellow citizen and foreigner. The “estrarity” of the person held in the sovereign ban is more intimate and primary than the extraneousness of the foreigner (if it is possible to develop in this way the opposition established by Festus between extrarius, which is to say, qui extra focum sacramentum iusque sit [“whoever is outside the hearth, the sacrament, and the law” ], and extraneus, which is to say, ex altera terra, quasi exterraneus [“whoever is from another land and almost extraneous”]). Now it is possible to understand the semantic ambiguity that we have already noted, in which “banned” in Romance languages originally meant both “at the mercy of” and “out of free will, freely,” both “excluded, banned” and “open to all, free.” The ban is the force of simultaneous attraction and repulsion that ties together the two poles of the sovereign exception: bare life and power, homo sacer and the sovereign. Because of this alone can the ban signify both the insignia of sovereignty (Bandum, quod postea appellatus fuit Standardum, Guntfanonum, italke Confalone [Muratori, Antiq-uitates, p. 442]) and expulsion from the community. We must learn to recognize this structure of the ban in the political relations and public spaces in which we still live. In the city, the banishment of sacred life is more internal than every interiority and more external than every extraneousness. The banishment of sacred life is the sovereign nomos that conditions every rule, the originary spatialization that governs and makes possible every localization and every territorialization. And if in modernity life is more and more clearly placed at the center of State politics (which now becomes, in Foucault’s terms, biopolitics), if in our age all citizens can be said, in a specific but extremely real sense, to appear virtually as homines sacri, this is possible only because the relation of ban has constituted the essential structure of sovereign power from the beginning.

#### Logic of ban

Robinson 11 [(Andrew, political theorist and activist) “In Theory Giorgio Agamben: the state and the concentration camp” Ceasefire January 7] AZ

The danger of being declared homo sacer is built into the experience of life in societies ruled by states. For Agamben, the ability to declare someone homo sacer is fundamental to the sovereignty claimed by states. This is shown in the historic concept of the ‘ban’. The term ‘ban’ refers both to the sovereign’s standard (the banner or flag) and to the act of outlawing someone (origin of English ‘ban’, ‘banish’ and ‘bandit’). This shows the deep connection between sovereignty and homo sacer. This kind of practice was supposed to be stopped in modern liberalism, with ideas such as due process and habeas corpus, but Agamben views it as a permanent aspect of sovereignty which keeps returning and which is becoming increasingly central today, in the emergence of states of exception such as camps. It is also clear in a certain populist discourse often found in the tabloid press and among the more bigoted politicians, in which various people deemed ‘monsters’, ‘animals’, ‘scum’ and so on are taken not to deserve human or civil rights. For instance, the former Tory MP Andrew Mackay said in parliament that gypsies who camp in car parks are ‘scum’ who ‘do not deserve the same human rights as my decent constituents’. (His own expense fiddling being, presumably, a different matter). Such cases are for Agamben evidence of the spread of the logic of sovereignty, which was never really eliminated to begin with. In any state regime, everyone is vulnerable, at risk of being declared homo sacer. In the case of democratic discourse, this does not change; at most, it just means that, while everyone is potentially vulnerable, everyone is also potentially a sovereign, able to declare others homo sacer (for instance, through moral panics).

#### The logic of the ban incorporates bare life into the structure of politics by blurring the line between qualified life and biological being of citizens

O'Donoghue 15 [Amy O'Donoghue, "Sovereign Exception: Notes on the Thought of Giorgio Agamben," Critical Legal Thinking, 7/2/2015] AZ

The bare life in the sovereign exception is captured in a specific relation to sovereign power, what Agamben terms a ‘relation of exception’ or ‘relation of ban’. Those who inhabit the state of exception cannot be said to be freed from the juridical order and sovereign rule; bare life is not ‘simply set outside the law and made indifferent to it’ (ibid: 28). Through its own suspension, the ‘law encompasses living beings’ (2005: 3) who are simultaneously bound and abandoned to it. As such, the bare life captured in the sovereign ban is included in the juridical order ‘through its exclusion’; it finds itself tied to the order, and the sovereign power by which it is constituted, in the relation of exception (1998: 18). The paradigm of the bare life captured in the sovereign ban Agamben finds in the figure of homo sacer of archaic Roman law (ibid: 8). Homo sacer has been excluded from the religious community and from all political life: he cannot participate in the rites of his gens, nor […] can he perform any juridically valid act. What is more, his entire existence is reduced to a bare life stripped of every right by virtue of the fact that anyone can kill him without committing homicide; he can save himself only in perpetual flight or a foreign land. (ibid: 183) Stripped of legal status and expelled from the political community, homo sacer is exposed unconditionally to the potential for killing by anyone.Homo sacer ‘is in a continuous relationship with the power that banished him precisely insofar as he is at every instant exposed to an unconditional threat of death’ (ibid). Zoē and Bios Those who are captured in the sovereign ban and stripped of all legal status, find themselves, by the same act, banned from the political community. In this way, the sovereign decides which lives will be recognised as belonging to the community of political beings and which will be classified only in terms of biological fact. The basis of this distinction is addressed by Agamben with recourse to the two terms used by the Greeks to distinguish between forms of life: zoē, ‘natural reproductive life’ confined to the private sphere, and bios, ‘a qualified form of life’, political life (ibid: 1). Those who are banned from the domain of political beings are reduced by the sovereign to life defined only in terms of zoē (ibid: 183), recognised by the sovereign only as biological beings. The separation of zoē from bios, and the production of a bare, human life as a product of sovereign power can be said to undergo a transformation in modernity as zoē, or biological life, is repositioned inside the polis, becoming the focus of the State’s organisational power. This process, rooted in classical politics and extending into the present, indicates, for Agamben, a Western politics that has constituted itself from its beginnings as a biopolitics (ibid: 181).

### A2 Ban Semi-Autos

#### Revolvers are more dangerous

Lott 16 [John R. Lott (guns rights activist, lawyer), "A Semi-Automatic Handgun Ban Wouldn’t Stop Mass Shooters, National Review, 1/20/2016, http://www.nationalreview.com/article/430021/democrats-semi-automatic-gun-ban-clueless] AZ

Revolvers get their name from a revolving cylinder that contains bullets in separate chambers. Gun-control advocates will eventually realize that revolvers actually fire bullets at a faster rate than do semi-automatic pistols — semi-automatics have to do a lot more work to load the next bullet in the chamber. Semi-automatics can hold more bullets and it used to be true that they could be reloaded more quickly than revolvers. But while semi-automatics are still easier to reload, technology has advanced to the point where revolvers can be reloaded just as quickly. In contrast to semi-automatics that can hold a magazine of any size, revolvers are limited to eight to ten bullets (depending on the caliber of the bullets being used). But with training, a mass shooter can fire just as many bullets with a sufficient rapidity that their ability to commit these crimes would be unaffected by the time needed to reload. Moreover, revolvers have a major advantage over semi-automatics: They don’t jam as frequently. The spring in a magazine can lose strength and therefore its ability to properly push bullets cleanly into the chamber. Large-capacity magazines actually make jamming much more likely, as you need a very strong spring to push the last few bullets into the chamber. Jammed guns actually saved lives in both the Aurora, Colo, movie-theater shooting and the Gabby Giffords shooting in Tucson, Ariz.

http://www.bloomberg.com/news/articles/2012-08-07/semi-automatic-thinking-on-gun-control

### T – Handguns

["handgun," Merriam Webster Dictionary, http://beta.merriam-webster.com/dictionary/handgun] AZ

a firearm (as a revolver or pistol) designed to be held and fired with one hand

#### Roleplaying in the context of gun policy is especially key – it teaches us to challenge our own worldviews and is value neutral

Kennedy 7 [Ruth Kennedy (Bloomsburg University of Pennsylvania), "In-Class Debates: Fertile Ground for Active Learning and the

Cultivation of Critical Thinking and Oral Communication Skills," International Journal of Teaching and Learning in Higher Education, 2007] AZ

Sydney Duncombe (1988) uses another type of role-play debate in his American government classes at the University of Idaho. During the role-play debate, the professor wears different hats, such as a beret to represent the French multi-party system or a red, white, and blue straw hat to represent the American two-party system. In each debate, he uses up to five of his collection of 30 different hats to represent each view. The various hats represent political philosophers, nations, past or present political leaders, or stakeholders in a particular issue such as a hunter or a police officer when debating gun control. The hats help his students know which side he is representing at any given moment in the debate. Rebuttal follows rebuttal while he switches the hats back and forth. His students ask questions and point out fallacies during the debate, and he responds as the character he is currently playing would respond. Nancy Tumposky (2004) asserts that debates foster a confrontational classroom environment and therefore do not suit students from some cultures and women, who are often “uncomfortable with oppositional forms of communication” (p. 54). However, Lisa Elliot (1993), who conducted debates in her Psychology of Women class, felt that she addressed this concern by grading merely on participation rather than on performance. MacArthur, Ferretti, and Okolo’s (2002) study of the participation of 11 and 12 year olds in debates demonstrated that students with and without learning disabilities participated equally in the debates, as did boys and girls. Others view the confrontational nature of debates as a potential benefit rather than a criticism of in-class debates. For example, Fisher et al. (2001) purport that participation in a debate empowers students to better handle conflicts outside of class. In “The Art of Debating” (1998, teacher information for module 7, ¶ 1) the authors assert that “most people do not know how to argue logically while staying calm” and that in-class debates can enable students to learn to argue constructively. Other opponents believe that participation in a debate merely reinforces a student’s existing beliefs rather than promoting an objective analysis of an issue. However, Simonneaux (2001) reports that in all of his studies, the only time the students in his biotechnology classes in southwest France have changed their opinions has been when they participated in a role play or debate. In Budesheim and Lundquist’s (2000) research study of 72 students in three psychology courses at Creighton University, the students who defended a position they already supported almost always maintained their original viewpoint, whereas the students who argued a position inconsistent with their initial opinion were more likely to change their opinion. The response of the audience proved to be unpredictable, as only 52% maintained their original positions. Green and Klug (1990) reported similar results in that the sociology students who defended their initial viewpoint did not change their view, whereas those who were initially neutral or initially opposed the view they defended often changed their view in support of the side they debated. Johnson and Johnson (1985) found that 11 and 12 year old students who studied controversial issues independently were less likely to change their opinions than those who engaged in debate with others. A student, speaking of an in-class debate experience in a social work course, said, “I finally decided to convince myself that maybe my previous conviction was based on one-sided information, that there might be some truth to the other beliefs. To my surprise, I was amazed how quickly my stand and attitude changed” (Keller, Whittaker, & Burke, 2001, p. 352).

#### Current law restricts guns for certain groups – the aff just closes a loophole for a restriction, not a ban

Perez 15 [RICHARD PÉREZ-PEÑA (journalist with the New York Times since 1992), "Gun Control Explained," NY Times, 10/7/2015] AZ

What is gun control? “Gun control” is a broad term that covers any sort of restriction on what kinds of firearms can be sold and bought, who can possess or sell them, where and how they can be stored or carried, what duties a seller has to vet a buyer, and what obligations both the buyer and the seller have to report transactions to the government. Sometimes, the term is also used to cover related matters, like limits on types of ammunition and magazines, or technology, like the type that allows guns to fire only when gripped by their owners. In recent years, gun control debates have focused primarily on background checks for buyers, allowing people to carry weapons in public, and whether to allow the possession of assault rifles. What is the state of gun control today? Federal law prohibits certain people from owning firearms: those with certain kinds of criminal records or mental illness; drug addicts; immigrants without legal status; veterans who left the military with a dishonorable discharge; anyone with a permanent restraining order keeping them from a partner or a partner’s children. And there are others barred as well; a full list of the prohibitions can be found [here](https://www.atf.gov/firearms/identify-prohibited-persons).

### security

#### harms are manufactured

Corbett 15 ["Nuclear Warfare in the 21st Century," Corbett Report, 6/28/2015] AZ

The supposed threat from Russian and North Korean forces are used to justify the maintenance of the conventional thermonuclear arsenal. The so-called Iranian “threat” is being used to justify the development and maintenance of the tactical nuclear arsenal. But these are not the real reasons behind this intensification in nuclear panic. The real motivation, quite predictably, goes toward the real goal of these projects: the privatisation of nuclear war for geopolitical dominance and financial gain. This can be traced back to a meeting that took place in August 2003 in the wake of the new US nuclear posture review. As described in Michel Chossudovsky’s book, “[Towards a World War III Scenario](http://www.globalresearch.ca/michel-chossudovsky-towards-a-world-war-iii-scenario-now-available-through-kindle/31367),” the meeting, convened by the Pentagon at the Strategic Command Headquarters at Offutt Air Force base in Nebraska brought together over 150 military contractors and scientists to discuss the development of a new, more politically viable nuclear technology, the so-called “bunker busters” and “mini-nukes” of the modern era. “In a cruel irony, the participants to this secret meeting, which excluded members of Congress, arrived on the anniversary of the Hiroshima bombing and departed on the anniversary of the attack on Nagasaki.[…]The Hiroshima Day 2003 meetings had set the stage for the ‘privatization of nuclear war.'” –[Towards A World War III Scenario: The Dangers of Nuclear War](http://www.globalresearch.ca/michel-chossudovsky-towards-a-world-war-iii-scenario-now-available-through-kindle/31367) Perhaps inevitably, this new era of privatised nuclear war is based on a convenient political fiction. The distinction between the thermonuclear warheads of the Cold War era and the so-called “mini-nukes” and “bunker busters” of our own era is an easily demonstrable lie, designed to make the first-strike use of nuclear weapons politically acceptable. As the Union of Concerned Scientists [demonstrated as far back as 2005](http://web.archive.org/web/20090729230839/http:/www.ucsusa.org/nuclear_weapons_and_global_security/nuclear_weapons/technical_issues/nuclear-bunker-buster-rnep-animation.html), nuclear bunker busters like the B61-11 could still cause widespread radioactive fallout that, in the Middle East theatre, would result in hundreds of thousands of deaths. Michel Chossudovsky: Those tactical nuclear weapons are fully deployed. I should say they are also deployed by several non-nuclear states which are member of NATO. I’m talking about Belgium, Holland, Germany, Italy and Turkey. Five non-nuclear states. They are deployed against targets in the Middle East and there’s nothing that actually excludes their use in the conventional war theatre. Because the decision making can take place at a much lower level. Not to say that it will take place at a lower level let’s say the regional commander, USCENTCOM for instance. But we are at a stage where military planners believe in their own propaganda. They have first of all instructed scientists that this new generation of nuclear weapons are harmless to the surrounding civilian population because the explosion is underground. Referring to the fact that these are bunker-buster bombs and there’s no danger that people surrounding the bomb explosion will actually be affected. Of course that’s a big lie, but at the same time that narrative has entered into the military manuals. So we’re no longer within the realm of Cold War doctrine. Which was based on the concept of MAD, Mutual Assured Destruction. We are in a mad world but it’s not the MAD of the Cold War era. And, what is contemplated when nuclear weapons are envisaged against targets in the Middle East is the fact, that first of all, these countries have no countervailing potential. They’re sitting ducks. They can be bombed. So let’s go ahead and do it and we do it on humanitarian grounds, it’s the “[Responsibility to Protect](https://www.corbettreport.com/r2p-imperial-conquest-by-another-name/).” Once again, the world is being whipped up into a nuclear panic as a result of a parade of boogeymen. This threat serves to further the global military agenda of the NATO alliance even as it lines the pockets of the contractors who have been entrusted with the development of the latest nuclear technologies. And this entire agenda is being overseen by a political, military and financial class who themselves present the greatest threat to the future of humanity.

### Politics Links

#### Plan kills political capital – NRA lobby and polarization make it political suicide

The Economist 15 ["Why gun control is doomed," The Economist, 6/19/2015, http://www.economist.com/blogs/democracyinamerica/2015/06/charleston-and-public-policy] AZ

But to best understand why gun laws in this country are not about to change, one must also recognise the disproportionate [power of the gun lobby](http://www.economist.com/news/united-states/21647627-prevent-gun-deaths-politicians-offermore-guns-why-gun-lobby-winning). The NRA rallies supporters with a masterful use of fear and distrust of government, and intimidates Republican politicians by turning support for gun rights into a defining test of conservative values. The group [consistently](http://www.economist.com/blogs/democracyinamerica/2013/12/newtown-massacre) and [successfully](http://www.economist.com/blogs/lexington/2013/03/guns-and-mentally-ill) diverts attention away from guns to mental illness. There is also a painful dilemma that honest advocates of gun control must address. It is not clear that limited gun control, of the sort that might be politically possible in America, would actually make gun massacres much rarer, or even stop the country from topping rich-world lists for gun deaths by a mile. For once guns are reasonably common in a society, it is easy to see why some people will feel safer arming themselves. The sort of gun control that has had dramatic results in other countries, such as Britain or Japan, essentially [involves no guns](http://www.economist.com/blogs/lexington/2012/12/gun-control), or making it essentially impossible for private citizens to own handguns. This is not about to happen in America. Here is one last reason why gun laws are so hard to change: America is becoming an increasingly polarised society. Americans of different political beliefs live ever-more different lives. That adds an element of raw tribalism to what should be dispassionate questions of public policy. Guns are a grim example. Consider polls that show Americans are becoming more hostile to gun control, and more willing to say that guns are necessary for self-defence. The headline numbers are striking enough. But as so often with headline numbers, they conceal vast and widening gaps between different regions, races and classes.

#### Flip flops aren't politically favorable, especially on issues of principle – gun control is seen as an ideological stance, not a policy one – empirics prove

Tavits 7 [Margit Tavits (assistant professor of political science, University of Missouri-Columbia), "Principle vs. Pragmatism: Policy Shifts and Political Competition," American Journal of Political Science, January 2007] AZ

In this article, I argue that whether policy shifts are damaging or rewarding depends on the policy domain. I differentiate between pragmatic, welfare-maximizing concerns of voters and their principled ideological bias. On matters that mostly concern government policy out- comes, voters view pragmatic responses to issues more fa- vorably regardless of their general ideological bent. Man- aging the economy is an example of such a pragmatic issue domain. Given the stress on pragmatism and that parties' policy shifts can be perceived as active responses to changing economic conditions, voters are more likely to reward such shifts. On pragmatic issues, ideological rigidity rather than flexibility may be counterproductive. On the other hand, in the case of issues where voters value principled rather than pragmatic statements, any policy shift may be perceived as a sign of inconsistency or disloyalty, undermining the credibility of the party. This lack of credibility is likely to be punished on election day. Social or value-based issues serve as examples of such principled preferences. Indeed, as I show, movements in the principled domain may not be electorally beneficial even if the party moves in the same direction as the median voter. The arguments are tested with data from 23 advanced democracies across 40 years. The findings show that policy shifts on pragmatic issues are associated with vote gains while shifts on principled issues lead to vote losses. These findings bring novel insights for understanding political representation. They alert us to the need to differentiate between pragmatic and principled policy concerns of vot- ers in understanding electoral results and party behavior. The results also demonstrate, contrary to conventional wisdom, that voter-party congruence is not necessarily a key to electoral success.

#### Gun control is a social issue, not an economic one – means it costs PC to adjust positions

Tavits 7 [Margit Tavits (assistant professor of political science, University of Missouri-Columbia), "Principle vs. Pragmatism: Policy Shifts and Political Competition," American Journal of Political Science, January 2007] AZ

The two main axes of political competition in advanced democracies-economic and social-acquire inherently different roles in the voting decisions of the pub- lic. In the case of the latter, voters expect consistency. Change on principled issues is unexpected and threatens the credibility of the party. This, in turn, is likely to alienate ideological loyalists as well as repel new voters. Policy shifts on principled issues should thus be associated with aggregate vote loss for the shifting party. On the contrary, on pragmatic issues, change is a sign of responsiveness and does not constitute a threat to the party's credibility. Responsiveness to changing circumstances, in turn, should be attractive to both old supporters and new voters and amount to an aggregate increase in the vote totals of the shifting party.6

#### Gun control is part of principled politics

Tavits 7 [Margit Tavits (assistant professor of political science, University of Missouri-Columbia), "Principle vs. Pragmatism: Policy Shifts and Political Competition," American Journal of Political Science, January 2007] AZ

How principled politics on social issues matters can be illustrated most vividly by the latest presidential elec- tion campaign in the United States. Much of the electoral competition between the Democratic Party nominee Senator Kerry and President Bush revolved around the issue of consistency in policy statements. Mr. Kerry faced re- lentless and well-targeted efforts to portray him as inconsistent and opportunistic. These claims were first based on his changing position on the war in Iraq, but they were later followed by allegations of "flip-flopping" on almost all the key social issues that defined the campaign pe- riod: gay marriage, abortion, gun control, etc. Mr. Kerry's credibility was undermined by claims that he goes as the wind blows (Cruz 2004). The slightly ridiculous term of "flip-flopper" suggested that Mr. Kerry has shifted policy positions frequently throughout his career and is there- fore weak, indecisive, and more ambitious than principled (Cave 2004). While Kerry's supporters tried to portray him as a pragmatist whose views reflected the complex- ity of evolving issues, pragmatism was not what voters were looking for on the principled social issues. Indeed, "flip-flopping" rather than pragmatism seemed to have an impact on voters: Senator Kerry suffered in the polls, and it may have partly been due to changing his mind too frequently-not only during the election campaign, but throughout the past three decades (Ashbee 2005; Cave 2004; Cruz 2004). The example of the 2004 U.S. presidential election, al- though anecdotal, serves the purpose of illustrating that voters may prefer principles over pragmatism in the case of some value-based and social issues. Given these prin- cipled preferences of voters on social issues, ideological shifts are likely to undermine the credibility of the party and lead to voter withdrawal.

### Regulations CP

#### Counterplan text: The United States federal government should require background checks for all gun sales, prohibit gun trafficking, and limit the availability of military-style weapons and high- capacity magazines.

Webster 13 [Daniel Webster, Jon Vernick, "Reducing Gun Violence in America," Center for Gun Policy and Research, Johns Hopkins Bloomberg School of Public Health, 2013] AZ

First and most urgently, we need the president and Congress together to require background checks for all gun sales, including private sales at gun shows and online. These private sales now account for more than 40 percent of all gun sales nationally, which means that in 2012 alone, there were more than six million gun sales that happened with no background checks. Many of those guns are handguns, which are used in about 90 percent of all firearms murders. Across the United States, more than 80 percent of gun owners, and more than 90 percent of Americans, support requiring background checks for all gun sales. There’s really no debate here. It’s common sense. We have laws on the books that require a background check when dealers sell guns. It’s time for the president and Congress to make that the law of the land for all sales. The forty percent to which the law does not apply means the law is basically a sham. Second, Congress should make gun trafficking a federal crime. In New York City, 85 percent of the weapons that we recover from crime scenes come from out- of- state sources, but federal laws designed to curb illegal sales across borders are incredibly weak. Criminals who traffic in guns get a slap on the wrist. We’ve made New York the safest big city in the nation, in part by adopting tough gun laws and proactively enforcing them. Every state in the Union has citizens killed by guns coming from other another state, and every state is powerless to stop the mayhem. Until Congress gets tough on trafficking, guns will continue flowing to our streets from states with much looser gun laws. The third legislative mea sure that the White House should support is limiting the availability of military- style weapons and of high- capacity magazines with more than 10 rounds. These guns and equipment are not designed for sport or home defense. They are designed to kill large numbers of people quickly. That’s the only purpose they have. They belong on the battlefield, in the hands of our brave professionally trained soldiers, not on the streets of our cities, suburbs, or rural areas, as retired military leaders like Colin Powell and Stanley McChrystal have said.

#### Counterplan solves gun violence – decreases gun ownership and reduces crime

Erb 15 [Kelly Phillips Erb (journalist on taxes at Forbes), "Bill Introduced In Congress To Tax Gun Sales, Require Stolen Guns To Be Reported," Forbes, 10/27/2015] AZ

According to the National Rifle Association (NRA), [Americans have acquired](https://twitter.com/NRA/status/637363694519865344) over 170 million new firearms since 1991. While it’s tough to pinpoint the number of guns currently in the U.S., a 2012 Congressional Research Service suggests that the number hit 310 million in 2009. A U.S. Congresswoman believes that those numbers present a unique opportunity to reduce gun violence. Rep. Nydia Velazquez (D-NY) [has announced](http://velazquez.house.gov/newsroom/2015/pr-10-26-15GunsPresser.html) the introduction of a bill “aimed at reducing the number of guns in circulation, bolstering anti-violence and mental health programs and addressing the issue of lost and stolen firearms.” The bill, H.R. 3830, dubbed the “Reducing Gun Violence in our Neighborhoods Act of 2015″ would impose a $100 federal tax on the sales of guns. The proceeds from the tax would be distributed by the Justice Department and then funnelled to mental health and anti-violence programs. Velazquez said, about the boost in price, “If making guns more expensive means fewer end up in commerce, I’m happy with that result.” She went on the say, “However, if guns are going to be sold, then those purchasing and selling them should pay for programs that can reduce the incidence of gun violence in our local communities.” If that sounds familiar, you may be thinking about the “gun violence tax” [approved](http://www.forbes.com/sites/kellyphillipserb/2015/08/11/gun-ammo-tax-aims-at-reducing-violence-in-seattle/) by the Seattle City Council earlier this year. Under the new Seattle law, gun and ammo sales are subject to a tax of $25 per firearm at sale and $0.05 for every round of ammunition at sale ($0.02 for every round of .22 caliber ammunition and smaller). Proceeds of the tax are to be used for gun violence research and prevention programs. Three gun-rights groups, including the NRA, the National Shooting Sports Foundation and the Second Amendment Foundation, [have sued](http://www.seattletimes.com/seattle-news/politics/gun-rights-groups-sue-to-block-2-new-seattle-gun-laws/) the city alleging that the tax is illegal. A variation of the reporting requirement also appears in the Seattle City Council law which requires gun owners to report a lost or stolen firearm within 24 hours. Gun owners who fail to report within the appropriate time frame are hit with a much smaller penalty than the Velazquez proposal: just $500. Brooklyn District Attorney Ken Thompson, who has officially endorsed the bill, said about the reporting requirement, “We, in Brooklyn, are aggressively prosecuting gun traffickers and have taken hundreds of firearms, including assault weapons, off the streets in the course of several investigations with the NYPD. But we need to attack this problem on multiple fronts to stop guns from getting into the hands of criminals who use them to shoot innocent people and kill our police officers. Congresswoman Velázquez’s proposed legislation respects the rights of lawful gun owners and gun dealers while seeking to prevent the senseless gun violence, bloodshed and carnage that’s occurring every day in communities all across our country due to the easy access to guns and that’s why I support it.” The bill was referred to three committees for review.

### Courts CP

#### Have courts restrict military-style weapons

Vizzard 15 [William J. Vizzard (Professor Emeritus of Criminal Justice at California State University Sacramento, former employee of Bureau of Alcohol, Tobacco, and Firearms), "The Current And Future State Of Gun Policy In The United States," Journal of Criminal Law and Criminology, Fall 2015] AZ

Thus, future fights will likely focus on concealed and open carry laws, licensing, and registration. In addition, the courts will almost assuredly have to face the issue of restrictions on military-style firearms. Assuming the courts do not overturn current restrictions on machine guns and destructive devices, a fairly safe assumption, the fight will focus on permit systems and semiautomatic, military-style rifles, often referred to as assault weapons. Even within the confines of what is allowed under the current interpretation of the Second Amendment, efforts at any additional federal regulation face several hurdles. The first is the current strength of conservative political forces and the opposition to gun control among members of the Republican Party and other conservatives.80 The power of such opposition is intensified by the bicameral nature of Congress and the Republican structural advantage at the state and federal level, resulting from 2010 redistricting and a lack of active public support for gun control.81

### Federalism

#### Conflict management benefits

Shea 14 [Michael P. O'Shea, (Professor of Law and Associate Director of the Center for the Study of State Constitutional Law and Government at Oklahoma City University), Why Firearm Federalism Beats Firearm Localism," Yale Law Journal, 2/4/2014] AZ

Today, the most serious pragmatic objection to firearm localism is that it would tend to destroy the conflict-management benefits that were supposed to be a major advantage of decentralization. Federalism promises to increase overall preference satisfaction on divisive issues by allowing individuals to satisfy different preferences by living in different subnational jurisdictions.[50](http://www.yalelawjournal.org/forum/why-firearm-federalism-beats-firearm-localism" \l "_ftnref50) But for this kind of settlement to work, jurisdictions must be large enough to live in—that is, large enough to coherently embody different policy options as a lived possibility.

#### Conflicting federalism better represents local interest groups

Macey 91 [Jonathan R. Macey (Professor of Law @ Cornell University), "Federal Deference to Local Regulators and the Economic Theory of Regulation," Faculty Scholarship Series (Paper 1722), 1/1/1991] AZ

The fifty states that comprise the union differ dramatically in history, demography, economic orientation, and natural endowment. Consequently, it is not surprising that patterns of interest-group behavior differ significantly from state to state, and even from locality to locality. The political-support-maximizing equilibrium may require favoring a certain interest group in one state and a different interest group in another. The issue of gun control is a good example of this phenomenon. In general, states with largely urban populations tend to favor gun control while states with rural populations often prefer to provide citizens with broad rights to own and carry guns. The implication of such variety is that the political-support-maximizing outcome for politicians in one state may not be the political-support-maximizing solution for politicians in another. And when interest-group preferences are aggregated, the political-support-maximizing solution at the national level may differ from many, perhaps most, of the local solutions. Inevitably, a national rule will impose high costs on some interest groups that have benefited from a conflicting local rule.62 Interest groups that are likely to be disappointed by or indifferent to a national solution will pay to have matters resolved at the local level. Of course, the transaction costs of obtaining individualized local rules likely will exceed the transaction costs associated with obtaining a single national rule. Only when the increase in political support that Congress can gain from deferring to the states outweighs, at the margin, the increase in transaction costs associated with promulgating a multitude of local rules will we expect to observe local instead of national rules. Spatial monopolies such as those conferred by zoning laws represent the classic situation in which interest groups and politicians will prefer a myriad of local laws to a single federal rule.63 A uniform zoning law passed at the national level would deprive innumerable local lawmakers of the ability to capture the rents associated with passing zoning laws and variances that favor local interest groups by providing them with 9patial monopolies. Federal regulators can capture rents as well by agreeing to defer to such local lawmakers. Furthermore, some of the factors that usually cause interest groups to favor federal laws over state laws are absent where the interest groups are seeking to protect spatial monopolies. First, while obtaining a single federal statute generally will be cheaper than obtaining fifty local laws, the costs of obtaining a single federal law generally will be greater than the costs of obtaining one local law. And one local law is all that is necessary to protect a spatial monopoly. Second, the cost of compensating federal lawmakers for declining to regulate spatial monopolies will probably be low because the cost of replicating this vast regulatory regime at the federal level is likely to be prohibitive, thus making it an unattractive prospect for federal intervention. Finally, competition among states will not deter local lawmakers from exploiting spatial monopolies because, by definition, such locational advantages cannot be transported. State laws regarding branch banking represent a particular type of "zoning" restriction and provide an instructive example of federal deference to state regulators to protect a variety of localized spatial monopolies.' 4 States, with the aid of the federal government, have adopted a diverse panoply of laws designed to protect local banking cartels in order to maximize the political support received from banks. In some states these cartels are best protected by eliminating branch banking altogether. In other states, the political-support-maximizing solution has been to adopt home office protection statutes, which prohibit branching into the town or city where another bank maintains its home office. Other states prohibit banks from branching into counties that are not contiguous to the county in which the bank maintains its main office. Still others prohibit banks from branching into unincorporated areas of noncontiguous counties or into communities with less than a fixed number of residents. This farrago of laws is necessary to serve the needs of the variegated web of banking interests that exist within the states.

#### Gun control is a quintessential states' issue – it's different from other issues because of political subdivision – stances are more clear cut

Macey 91 [Jonathan R. Macey (Professor of Law @ Cornell University), "Federal Deference to Local Regulators and the Economic Theory of Regulation," Faculty Scholarship Series (Paper 1722), 1/1/1991] AZ

It is important to distinguish an important, albeit subtle, difference between the political climate surrounding the abortion debate, which involves responsibility shifting, and that which surrounds an issue such as gun control, which involves differing local optima among various political subdivisions. The gun control issue is delegated to local governments because the political-support-maximizing solution varies dramatically across localities. It is not surprising that rural counties in Georgia support citizens' rights to bear arms, while Massachusetts's citizens support strict gun control measures. But, as the recent gubernatorial elections in Florida, Virginia, and New Jersey illustrated, the political climate surrounding the abortion issue is clouded with uncertainty. Even at local levels there was uncertainty both about how prominent abortion would be as a political issue and about what the political-support-maximizing solution would be for particular politicians.8 Perhaps the strongest indication of the ambiguity of the abortion issue was the extent to which candidates to elected office modified the tone or substance of their stance on the issue.8 6 These modifications show that the politicians made erroneous predictions about the political-support-maximizing outcome and had to alter their positions to survive.

#### a2 coop fed

#### Cooperative federalism is an illusion, especially in the context of gun control – it overrides local control and ruins state power

Loyola 13 [Mario Loyola, (director of the Center for Tenth Amendment Studies at the Texas Public Policy Foundation), "States and the Gun-Control Fight", National Review, 1/14/2013, http://www.nationalreview.com/corner/337637/states-and-gun-control-fight-mario-loyola] AZ

We know that federal law cannot require state agencies to participate in a federal program. We know that because the Supreme Court’s most important federalism case of the last 30 years — Printz. v. United States (1997) — tells us that the federal government can’t command the states to do anything. In fact, Printz struck down a part of the Brady Act that required state officials to process background checks on prospective gun purchasers. The Court ruled that this offended “the structural framework of dual sovereignty.” In a classic opinion by Justice Antonin Scalia, the Court observed, “The power of the Federal Government would be augmented immeasurably if it were able to impress into its service–and at no cost to itself — the police officers of the 50 States.”  Alas, Congress had already discovered ways to augment its power immeasurably, without violating the clear prohibition on commandeering — namely by manipulating “cooperative federalism.” The disastrous intermingling of state and federal functions gives Congress enormous power to shape state policies through coercion — and thereby impress the officers of the states into its service just as effectively as if it were commanding them.  So watch out. If the Obama administration proposes money for states to conduct background checks, according to federal instructions, or “permission” for states to do background checks, according to federal instructions, the governments of the several states should answer with one voice: Absolutely not. Washington should pay for, implement, and be accountable for its own policies. Let the president see how much money he can get out of Congress to implement a background-check program. Meantime, states should make it clear that they will refuse to comply with any cooperative federal-state gun-control program. Quite apart from violating the Second Amendment, such programs — whether the subject matter is gun control or health insurance — are deeply corrosive to the Constitution’s federal structure. And conservatives need to start focusing much more systematically on the dangers of “cooperative federalism.”

#### A2 municipality control

#### City control takes it too far – federalism means states should do it

Shea 14 [Michael P. O'Shea, (Professor of Law and Associate Director of the Center for the Study of State Constitutional Law and Government at Oklahoma City University), Why Firearm Federalism Beats Firearm Localism," Yale Law Journal, 2/4/2014] AZ

In this response, I defend and extend my position that the right answer is the state—not, as Blocher argues, the municipality. A decentralized firearms policy and gun-rights jurisprudence should take the form of a traditional, state-based federalism, for three reasons. First, firearm localism cannot be justified by a rural-urban divide on attitudes toward hunting, a practice that, although important, is peripheral to current gun control controversies. Second, firearm localism is not supported by traditional judicial approaches to the right to keep and bear arms. Finally, there is a strong pragmatic case against according deference to local firearm regulations. Firearm localism would destroy the compromise benefits of federalism by burdening the exercise of the right to keep and bear arms in ways that gun rights supporters would justifiably view as unacceptable.

#### City control isn't practical – inconsistent laws make handgun regulation useless

Today, the most serious pragmatic objection to firearm localism is that it would tend to destroy the conflict-management benefits that were supposed to be a major advantage of decentralization. Federalism promises to increase overall preference satisfaction on divisive issues by allowing individuals to satisfy different preferences by living in different subnational jurisdictions.[50](http://www.yalelawjournal.org/forum/why-firearm-federalism-beats-firearm-localism#_ftnref50) But for this kind of settlement to work, jurisdictions must be large enough to live in—that is, large enough to coherently embody different policy options as a lived possibility. That poses a problem for firearm localism, because most Americans are commuters. Their daily lives are geographically localized, but only somewhat so. An average American of driving age drives thousands of miles per year,[51](http://www.yalelawjournal.org/forum/why-firearm-federalism-beats-firearm-localism" \l "_ftnref51) and regularly eats away from home, often several times per week.[52](http://www.yalelawjournal.org/forum/why-firearm-federalism-beats-firearm-localism" \l "_ftnref52) Work patterns tell a similar story: the average American’s commute to work is nearly a half hour each way,[53](http://www.yalelawjournal.org/forum/why-firearm-federalism-beats-firearm-localism" \l "_ftnref53) and more than a quarter of Americans routinely travel outside of their home county for work.[54](http://www.yalelawjournal.org/forum/why-firearm-federalism-beats-firearm-localism" \l "_ftnref54) Major government offices and other public institutions are also often concentrated in urban centers; rural dwellers are required to travel through the state to interact with them. In sum, the experience of a few coastal cities, where an individual may live, work, recreate, and engage in civic activity, all within the confines of a single municipality, is atypical. In most of the country, a simple trip to visit friends, to shop at the mall, to eat dinner, or to practice at an outdoor gun range will often require crossing county and municipal boundaries. Citizens who take seriously the right to bear arms for self-defense will understandably reason that this fundamental interest should follow them in their ordinary activities: “self-defense has to take place wherever [a] person happens to be.”[55](http://www.yalelawjournal.org/forum/why-firearm-federalism-beats-firearm-localism" \l "_ftnref55) If one accepts a right to bear arms for self-defense of even moderate breadth, it follows that citizens will not be able to exercise that right effectively when they face a patchwork of conflicting municipal regulations—even if no particular municipal regulation would be clearly objectionable when considered in isolation. The Supreme Court has observed in another constitutional context that “[p]rolix laws chill [protected conduct] for the same reason that vague laws chill [protected conduct]: People ‘of common intelligence must necessarily guess at [the law’s] meaning and differ as to its application.’”[56](http://www.yalelawjournal.org/forum/why-firearm-federalism-beats-firearm-localism" \l "_ftnref56) Replacing a single, statewide body of regulation with potentially hundreds of municipal regulatory codes can be viewed as introducing a similarly harmful prolixity. And this has important costs, since most violent crimes occur away from the home and its curtilage—including the kinds of serious violent crimes against which one may typically lawfully defend with a firearm or other potentially lethal weapon.[57](http://www.yalelawjournal.org/forum/why-firearm-federalism-beats-firearm-localism" \l "_ftnref57) Statewide firearms[58](http://www.yalelawjournal.org/forum/why-firearm-federalism-beats-firearm-localism" \l "_ftnref58) preemption laws thus prevent chilling effects on the exercise of the right to arms—and particularly the right to bear arms outside the home—by ensuring that individuals can deal with a single, relatively predictable set of statewide regulations as they carry out their activities.[59](http://www.yalelawjournal.org/forum/why-firearm-federalism-beats-firearm-localism" \l "_ftnref59) Consider Ohio. This geographically typical American state is comparable in size to many nation-states; Ohio’s total area is a bit larger than Austria and Belgium combined. But Ohio includes eighty-eight counties and over nine hundred different incorporated cities and towns.[60](http://www.yalelawjournal.org/forum/why-firearm-federalism-beats-firearm-localism" \l "_ftnref60) Thus, for an Ohioan, the difference between preemption-backed firearm federalism and Blocher’s firearm localism represents athousandfold increase in the number of regulatory authorities with jurisdiction over gun policy. This huge difference of degree gives localism a qualitatively different character from federalism. Blocher closes by discussing how his brand of firearm localism might apply to handgun carrying. This subject is already extensively regulated by most state governments, typically through a “shall issue” carry permit system.[61](http://www.yalelawjournal.org/forum/why-firearm-federalism-beats-firearm-localism" \l "_ftnref61) Blocher suggests that municipalities should be able to supersede state choices on the permissible mode of carry (open versus concealed), and even that municipalities should be able to insist on a “may issue” permit, available only at the discretion of local authorities, to bear arms within each municipality’s boundaries.[62](http://www.yalelawjournal.org/forum/why-firearm-federalism-beats-firearm-localism" \l "_ftnref62) If Blocher is right about the salience of the urban/rural cultural divide on guns, then we might expect that many municipalities will exercise this regulatory prerogative, even in “pro-gun” states. Such laws often carry substantial criminal penalties.[63](http://www.yalelawjournal.org/forum/why-firearm-federalism-beats-firearm-localism" \l "_ftnref63) The iterated effect of such shifting requirements, on a typical “shall issue” permittee passing through several municipalities en route to a destination, would be a virtually insurmountable burden to the exercise of the right. That prospect is enough to profoundly undermine the mitigation of social conflict we might otherwise expect from decentralization.

#### Gun control is the purview of the state – best legal interpretation

Shea 14 [Michael P. O'Shea, (Professor of Law and Associate Director of the Center for the Study of State Constitutional Law and Government at Oklahoma City University), Why Firearm Federalism Beats Firearm Localism," Yale Law Journal, 2/4/2014] AZ

I have focused on pragmatic difficulties with firearm localism, but that is not because I discount traditional, formal arguments for state priority. Firearm Localism fits naturally with a localist strand in the recent federalism literature that seeks to downplay traditional analysis based on state sovereignty, and argues for replacing it with “federalism all the way down” to the local level.[64](http://www.yalelawjournal.org/forum/why-firearm-federalism-beats-firearm-localism" \l "_ftnref64) Whatever merits this perspective might have in other areas, it is an awkward fit for the subject of gun rights. There is no area of contemporary American life in which state governments so clearly and consistently assert their traditional self-conception as possessors of what the U.S. Supreme Court calls “a substantial portion of the Nation’s primary sovereignty.”[65](http://www.yalelawjournal.org/forum/why-firearm-federalism-beats-firearm-localism" \l "_ftnref65) The ubiquity of statewide firearms preemption statutes[66](http://www.yalelawjournal.org/forum/why-firearm-federalism-beats-firearm-localism" \l "_ftnref66) is one expression of this conviction; states preempt municipal regulation on this subject more often than perhaps any other. So is the presence of individual right-to-arms guarantees in a growing supermajority of state constitutions.[67](http://www.yalelawjournal.org/forum/why-firearm-federalism-beats-firearm-localism" \l "_ftnref67) Perhaps the boldest expression is the recent flowering of statewide “Firearms Freedom Acts,” which seek to challenge broad understandings of federal regulatory power over guns and their components.[68](http://www.yalelawjournal.org/forum/why-firearm-federalism-beats-firearm-localism" \l "_ftnref68)Preemption supporters may seek to liken municipal gun restrictions to “rules governing traffic and speed limits [and] the sale and consumption of alcohol,”[69](http://www.yalelawjournal.org/forum/why-firearm-federalism-beats-firearm-localism" \l "_ftnref69) which often vary along municipal lines. But different, more plausible comparisons suggest that we ought to find anomalous the idea of broad local control over keeping and bearing arms for self-defense, as we might in similar areas of life-or-death choice—such as the prospect of municipal capital punishment, or municipal control of abortion.[70](http://www.yalelawjournal.org/forum/why-firearm-federalism-beats-firearm-localism" \l "_ftnref70)

### Polls

#### Support quickly declines

Vizzard 15 [William J. Vizzard (Professor Emeritus of Criminal Justice at California State University Sacramento, former employee of Bureau of Alcohol, Tobacco, and Firearms), "The Current And Future State Of Gun Policy In The United States," Journal of Criminal Law and Criminology, Fall 2015] AZ

Although surveys reflected an increase in nationwide support for requiring record checks on private gun sales in the wake of the Sandy Hook shooting, the support quickly declined.51 The long-term trend for over twenty years has been a decline in public support for more regulation.52 In fact, the attention devoted to firearms regulation appears to have significantly increased firearms sales in the short run.53

### Constitution NC

#### A2 Epstein – states' rights (2nd amendment)

Root 12 [Damon Root (senior editor at Reason Magazine), "Libertarians, Guns, and Federalism," Reason Magazine, 2/2/2012] AZ

The problem with Epstein's reading is that he seems to give too little weight to the text and history of the 14th Amendment, which was specifically added to the Constitution in order to provide a check on the powers of state governments, including giving federal courts the authority to nullify state and local laws that violate the Bill of Rights. The text of the 14th Amendment, the historical events leading to its ratification, and the statements of purpose made by its framers, supporters, and opponents all testify to the fact that it was created to protect individual rights—including the right of armed self-defense—on the state and local level. Consider the amendment’s origins. After the conclusion of the Civil War, the former Confederate states began passing various laws that robbed the recently freed slaves (and their white unionist allies) of their political, economic, and civil rights, including the right to arms. Mississippi’s Black Code, for example, declared “that no freedman, free Negro, or mulatto…shall keep or carry firearms of any kind,” while Florida made it illegal for blacks to possess “any bowie-knife, dirk, sword, fire-arms, or ammunition of any kind” without a license. Needless to say, those licenses were not easy to come by. In response to these violations, the Republican-controlled 39th Congress produced the 14th Amendment, which was ratified in 1868. One of the leaders of this process was Rep. John Bingham of Ohio, who authored the amendment’s first section (which I quoted from above). In a speech before the House of Representatives, Bingham explained that the rights protected by the amendment “are chiefly defined in the first eight amendments to the Constitution.” Similarly, Sen. Jacob Howard of Michigan, who introduced the 14th Amendment in the Senate and then shepherded its passage, declared that its purpose was “to restrain the power of the States and compel them at all times to respect these great fundamental guarantees,” including “the right to keep and to bear arms.” Opponents of the amendment also shared in this understanding of the new limits it placed on state regulatory power—indeed, that’s basically why they opposed ratifying it in the first place. As one opponent at New Hampshire’s ratification convention argued, the 14th Amendment was “a dangerous infringement upon the rights and independence of the states.” Interior Secretary Orville Browning denounced the amendment in similar terms, arguing in a widely circulated 1866 letter that it would “totally annihilate...the authority and control of the States over matters of purely domestic and local concern.” Keep in mind that before the 14th Amendment was added to the Constitution, none of the protections in the Bill of Rights were seen as applicable to the states. The First Amendment, which famously begins, “Congress shall make no law,” was quite explicit on that point. So the 14th Amendment altered the federalism component of more than just the Second Amendment. It transformed the entire Bill of Rights into a safeguard against abusive state and federal power. That doesn’t mean federalism itself was abolished, just that the pre-Civil War federalist system was reconfigured. The federal government is still forbidden (at least on paper) from roaming beyond the confines of its constitutionally delegated powers. What’s different is that the states are now forbidden from infringing on fundamental constitutional rights, specifically including the right to keep and bear arms. In light of this evidence, I respectfully dissent from Epstein’s judgment.

### Cvent

#### States will nullify federal action

McDaniel 14 [Justine McDaniel (reporter for The Philadelphia Inquirer), Robby Korth and Jessica Boehm, "Eight states have passed laws voiding federal firearms regulations," News 21, 8/16/2014] AZ

Across the country, a thriving dissatisfaction with the U.S. government is prompting a growing spate of bills in state legislatures aimed at defying federal control over firearms - more than 200 during the last decade, a News21 investigation found. Particularly in Western and Southern states, where individual liberty intersects with increasing skepticism among gun owners, firearms are a political vehicle in efforts to ensure states’ rights and void U.S. gun laws within their borders. State legislators are attempting to declare that only they have the right to interpret the Second Amendment, a movement that recalls the anti-federal spirit of the Civil War and civil-rights eras. “I think the president and the majority of Congress, both in the House and Senate, are just completely out of touch with how people feel about Second Amendment rights,” said Missouri state Sen. Brian Nieves, who has fought for bills to weaken the federal government’s authority over firearms in his state. In Idaho, the Legislature unanimously passed a law to keep any future federal gun measures from being enforced in the state. In Kansas, a law passed last year says federal regulation doesn’t apply to guns manufactured in the state. Wyoming, South Dakota and Arizona have had laws protecting “firearms freedom” from the U.S. government since 2010. A News21 analysis shows 14 such bills were passed by legislators in 11 states, mainly in Western states, along with Kansas, Tennessee and Alaska. Of those, 11 were signed into law, though one was later struck down in court. In Montana, Missouri and Oklahoma, three others were vetoed. More than three-quarters of U.S. states have proposed nullification laws since 2008. More than half of those bills have come in the last two years after the shooting at Sandy Hook Elementary School in Newtown, Connecticut. All but three have been introduced since President Barack Obama took office. Underneath the policy jargon lies a culture of firearms woven into the heritage and politics of states whose histories were shaped by guns. “(The federal government) is diving off into areas unchecked that they’re not supposed to be involved in,” said Montana state Rep. Krayton Kerns, who introduced a bill in 2013 to limit the ability of local police to help enforce federal laws. “Not only is it our right in state legislatures to do this, it’s our obligation to do it. Somebody’s got to put a ‘whoa’ on it.”

### States CP

#### Polls want states to do it

Mitchell 10/11 [Aric Mitchell, "Federal Gun Control Rejected in Recent Poll, and It's Not Really That Close" Inquisitr, http://www.inquisitr.com/2488302/federal-gun-control-rejected-in-new-poll-and-its-not-really-that-close/] AZ

Federal gun control was soundly rejected in a recent poll from Rasmussen. The polling site asked 1,000 participants what they thought of allowing Washington to come up with gun control legislation, and it was clearly a point that made most uncomfortable. Just 34 percent of the respondents wanted the federal government in charge, while an additional 36 percent said that it was a responsibility that should fall to states. Eighteen percent called it a “local” decision. Opposing Views [notes](https://www.opposingviews.com/i/politics/poll-majority-americans-dont-support-federal-gun-control) that the poll was taken at the end of September, which was slightly before the deadly shooting at Umpqua Community College. In the past, there have been spikes in support for federal gun control. One particular poll in 2013 from Gallup saw support high [after the 2012 shooting](http://www.gallup.com/poll/160085/americans-back-obama-proposals-address-gun-violence.aspx) at Sandy Hook, a Newtown, Connecticut, elementary school. However, the slight surge in support waned in the coming months as more details of President Obama’s proposed gun control legislation came to light. According to the latest Rasmussen poll, “most voters still don’t think the federal government should have the final say on gun ownership and don’t like a country in which only the government has guns.” The telephone survey found that the 34 percent support number was down from [a high of 38 percent in December](http://www.rasmussenreports.com/public_content/politics/current_events/gun_control/most_voters_oppose_only_government_having_guns). Twelve percent of the respondents admitted to “not being sure” as to who should have the final say. The poll was conducted from September 20-21, 2015 and had a margin of sampling error of +/- 3 percentage points with a 95 percent level of confidence.

### Nazi Gun Control

#### Hitler's gun control allowed him to commit genocide and institute authoritarianism

Kline 14 [Audrey Kline (associate professor of economics at the University of Louisville College of Business, contributor at Ludwig von Mises Institute), "Guest Post: Gun Control In Nazi Germany," Zero Hedge, 5/12/2014] AZ

There is no shortage of theories or writings related to the rise of the Third Reich and the subsequent Holocaust. Stephen Halbrook’s 2013 book, [Gun Control in the Third Reich](http://www.independent.org/guncontrol/) offers a compelling and important account of the role of gun prohibition in aiding Hitler’s goals of exterminating the Jews and other “enemies of the state.” While much of the early gun prohibition was created with supposedly good intent, Halbrook carefully and meticulously details how a change in political regime facilitated manipulating some well-intentioned gun registration laws and other gun prohibition to be used in inconceivable ways. Students of history as well as Second Amendment enthusiasts will find this a fascinating book and will find parallels between gun prohibition in pre-Nazi and Nazi Germany, and attempts to prohibit types of gun ownership and implement other forms of gun prohibition in the United States today.The current climate in the United States surrounding gun prohibition combined with a president who uses his office to impose executive order in ways not historically common gives many citizens pause, especially when looking at the era of the Third Reich. While certain states have imposed gun registration laws recently, enforcement of the laws remains unclear. While Halbrook is careful to point out that a combination of factors led to the events of the Holocaust, there is no denying that many of the pre-war activities contributed to Hitler’s ability to disarm targeted groups, particularly the Jews. The rapid pace with which Hitler disarmed the populace in Germany is startling. Halbrook’s account is gripping, thorough, and full of legal documentation, leading the reader through the sometimes-daily changes in gun prohibitions that furthered Hitler’s agenda. Ultimately, the prohibitions enacted by the Nazi regime led to monopoly control of firearms by the Nazis and eliminated the ability of many groups in society to defend themselves. A similar progression in contemporary society related to government control of firearms and the firearms industry is a concern of many gun owners in the United States today. In Part I of the book, a chaotic post-WWI Germany is the backdrop, a time when there were no established policies or laws pertaining to firearm ownership. Concern about firearms not being turned in after the war and conflict between extremist groups and the government led to the implementation of gun control laws. However,well-meaning clauses in the laws were subsequently used to provide the government with complete control over gun ownership, creating registries of gun and ammunition ownership, which ultimately fell into the hands of the Nazis. These lists were methodically used to disarm citizens. Through the first three chapters of the book, Halbrook does a masterful job of detailing the ever-changing gun control policies, ranging from the most extreme (execution on the spot) to the postured ‘relaxation’ of gun control laws that allowed possession of very expensive long arms that would not be affordable for the majority of the population. Part II of the book opens with the naming of Hitler as chancellor of Germany at the end of January 1933, and the immediate utilization of the Weimar gun control policies to begin the Nazi campaign to seize arms and eradicate the so-called “enemies of the state” (all of whom were tagged as Communists). As a result, less than a month later, Hitler and Göring convinced President Hindenburg that an emergency decree was needed, which ultimately gave the Nazis the ability to eliminate constitutional assurances of liberty and free speech, a free press, the ability to assemble, and the right to privacy in personal communications. Furthermore, search and seizure of homes was authorized. This carte blanche for search and seizure essentially became the modus operandi of the Third Reich. By the end of March, Hitler had succeeded in passing the “Enabling Law” which gave him the ability to create laws as he wished, with no requirement for consultation. Following this, the confiscation of weapons escalated. Municipal governments were informed that military weapons and ammunition had to be surrendered by the end of March. The Jews were targeted next, with a large raid in East Berlin on April 4, 1933. Jews were not forbidden to own firearms until 1938, but the raid led to confiscations and arrests. The 1928 Firearms Law was utilized to identify the so-called enemies of the state, locate them, interview them, and subsequently confiscate their weapons, thereby increasing Nazi control and eliminating private ownership of firearms from the majority of society. Part III of the book details episodes of enforcement and expansion of gun prohibition by Hitler’s regime. To mark the one-year anniversary of Hitler’s power, the Law for the Reconstruction of the Reich was passed in January 1934, which centralized control over police and led to the replacement of the SA (Sturm Abteilung or Brownshirts) with the SS. Upon President Hindenburg’s death, Hitler assumed the presidency as well, allowing him the ability to rule by decree. Hitler could now declare laws at will and there was no right of appeal for those arrested. The military pledged allegiance to Hitler and the citizenry was instructed to follow Hitler’s decrees. Confiscated firearms were redistributed to the police and concentration camp guards. The number of searches and arrests continued to escalate, and with the adoption of the Nürnberg Laws in September 1935, Germans or those with ‘kindred blood’ were decreed as citizens, leaving the Jews without citizenship and consequently, without civil rights. A new weapons law was drafted in November that would also forbid Jews from operating in the firearms industry. Though not yet enacted, the draft opened the door for the stealing of the gun manufacturing company, Simson & Co., by Hitler, who claimed that the Jewish owners were guilty of fraud. Additional accounts are given of exploitation of various incidents to further the Nazi campaign against the Jews. Nazi Party control of the use and ownership of firearms was quickly implemented and far-reaching, with refinements to the Weapons Law continuing over the next few years. Eventually, in April 1938, Jews were required to register their personal assets if valued at over 5,000 marks. Just a few months later, Jews were required to register at local police stations to receive identification cards. Jews began to flee Berlin and other parts of Germany, as they were able. In the concluding section of the book, Reichskristallnacht (Night of the Broken Glass) is detailed. Jews had been systematically disarmed, and their identity and locations were now on file with local police. It was simply a matter of time before the full shift into deportation and extermination of the Jews would begin. Records support that a campaign to arrest legally registered Jewish owners of firearms was now underway, along with the push by the Nazis to pressure Jews to flee Germany. The complete confiscation of weapons held by Jews at this point was sparked by the November 7, 1938 assassination attempt of a German diplomat, supposedly by a Polish-Jewish teenager at the embassy in Paris. The Night of the Broken Glass came in the following few days. All Jewish weapons (including such things as letter openers) were confiscated, and all Jewish organizations were deemed illegal. With the Jews disarmed, Hitler’s plans could proceed with a defenseless populace. The majority of the non-Jewish German population was stunned by what had transpired but too afraid to protest. Isolated cases of resistance remained, such as the now well-known case of Oskar Schindler. When deportations commenced in October 1941, the possessions of the Jews were searched by the Gestapo for anything of value, and completed the disarming of the Jews. The dangers of silent witness are now well known. As has been well documented, Jews were methodically attacked, their homes, businesses, and synagogues ransacked and burned. Upward of 30,000 Jews were arrested. Any Jews resisting arrest were ordered shot on the spot. Attacks on the Jews were to be carried out by the SA, with no interference by police. Jews arrested were to be sent to concentration camps for up to 20 years. The pogrom was so thorough that nearly all age appropriate, Jewish adult males in Stuttgart had been arrested. With the population afraid and disarmed, Hitler could proceed with little worry about resistance. The Court reinforced that there was no judicial review needed for activities of the Gestapo. Halbrook concludes by noting that less government regulation and a tradition of rejecting tyranny could have led to a different outcome in Germany. Instead, systematic creation and manipulation of firearms registration and regulations, coupled with the decimation of individual citizen’s rights, enabled Hitler’s dictatorship and the slaughter of millions of innocent Jews and citizens of Nazi-occupied countries, as well as tens of thousands of Germans. It remains for all of us to wonder what might have been had people refused to register their firearms. Indeed, we should all take note and never forget.

### cap K

#### alt solves case

Phil 12 [Phil's Blog (anarchist and antifascist from Liverpool, England), "A class struggle perspective on the gun control debate," Libcom, 12/15/2012] AZ

Firstly, the popular perception across the pond is that the ruling class has succeeded in atomising American society and isolating individuals to a far greater extent perhaps than anywhere else. (Hence part of the reason why the2011 Wisconsin protests or the Wal Mart strikes were so important.) In part, that's the mythology the country was built on - rugged individualism and the liberty of those with property - but it's also the result of an official union movement that is thoroughly institutionalised and a "left" tied to a party that doesn't even offer the hollow pretences that the UK Labour Party does. Secondly, as already discussed above, we know where alienation and desperation lead. Many in the UK have found it hard to come to terms with the class content of last year's riots. It may be harder for Americans to associate mass murder, especially of children, with the effects of class and capitalism. But in the absence of a positive collective response, the eruption of social tensions is pretty much bound to be so uncontrolled and ugly. Throw the right to bear arms, extremely high gun ownership and any other social factors from the dynamics of high school to the rhetoric of the hard right in the mix, and you've got a recipe for far more gun homicides than anywhere else in the world and lots of high profile massacres. But whilst America has far more instances of this type of crime than anywhere else, it holds no monopoly on them or on other forms of desperate, tragic violence. Atomisation, alienation, poverty and the complete absence of hope are the inevitable results of capitalism. The backlash against that (conscious or subconscious) may be massacres, riots or suicides, but it will be there. The real debate isn't whether we ban guns or whether we arm everyone to defend against the madmen lurking around every corner. It's how we build a real movement against the present conditions so that people's only option isn't to kill ourselves or each other.